CEYLON.

ORDINANCES

ENACTED DURING THE SESSION OF 1871.

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ORDINANCES

PASSED BY THE LEGISLATIVE COUNCIL OF CEYLON DURING THE SESSION OF 1871.

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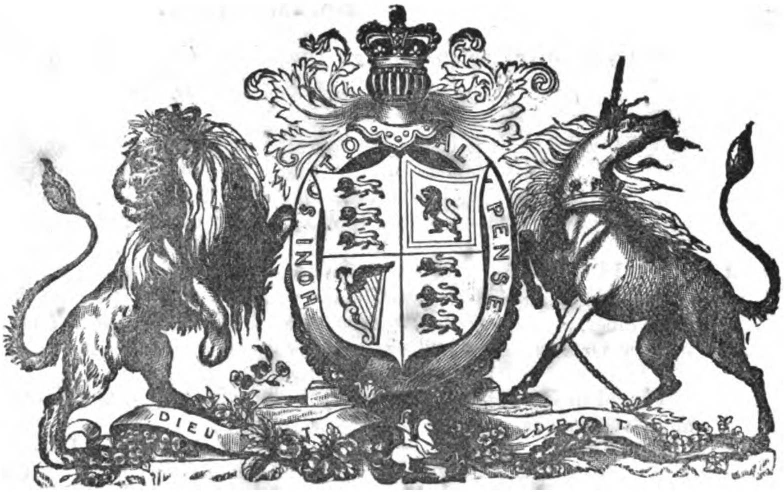

ORDINANCES ENACTED BY THE GOVERNOR OF CEYLON, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE COUNCIL THEREOF.

No. 10.—1871.

No. 10.—1871.

An Ordinance to amend the Law respecting the Concealment of the Birth of Children.

Preamble.

WHEREAS it is expedient to repeal the Ordinance No. 2 of 1842, and to make other provision, in lieu thereof, for the punishment of persons concealing the birth of children: IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Ordinance No. 2 of 1842 repealed.

1. THE Ordinance No. 2 of 1842, intituled "*An Ordinance to amend the Law respecting the Concealment of the Birth of Children,*" is hereby repealed, save and except as to any offence committed before the passing of this Ordinance.

Punishment of persons endeavouring to conceal the birth of children.

Proviso that person charged with child murder may be convicted for concealment of birth.

2. IF any woman shall be delivered of a child, every person who shall, by any secret disposition of the dead body of the said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof, shall be guilty of an offence, and shall be liable to be imprisoned for any term not exceeding Two years, with or without hard labour: PROVIDED that, if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the Jury, by whose verdict such person shall be acquitted, to find, in case it shall so appear in evidence, that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof; and thereupon the Court may pass such sentence, as if such person had been convicted upon an indictment for the concealment of the birth.

Commencement of Ordinance.

3. THIS Ordinance shall come into operation from the date of the passing thereof.

Passed in Council, the Twenty-fifth day of October, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirtieth day of October, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

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No. 11.—1871.

No. 11.—1871.

An Ordinance to authorize the discontinuance of the third yearly Criminal Session at Kandy.

Preamble.

WHEREAS it is expedient to authorize the discontinuance of the third yearly Criminal Session of the Supreme Court now required to be holden at Kandy: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Third Criminal Session at Kandy in each year no longer necessary.

1. IT shall no longer be compulsory to hold in each year the third Criminal Session at Kandy for the Midland Circuit, commencing on the Twentieth day of November, and appointed by the thirty-third section of "*The Administration of Justice Ordinance*, 1868."

Passed in Council, the Twenty-fifth day of October, One thousand Eight hundred and Seventy-one.

James Swan,
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirtieth day of October, One thousand Eight hundred and Seventy-one, and published by his order.

Henry T. Irving,
Colonial Secretary.

No. 12.—1871.

No. 12.—1871.

An Ordinance to reduce the minimum rates fixed by Ordinance No. 10 of 1865 for Railway Passenger Fares.

Preamble.

WHEREAS it has been found possible to reduce the charges for the conveyance of passengers by the Ceylon Government Railway between Colombo and Kandy, below the minimum rates specified in Schedule A. of the Ordinance No. 10 of 1865: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Commencement.

1. THIS Ordinance shall come into operation on 1st January, 1872.

New minimum rates.

2. THE following shall be the minimum rates of Railway Passenger Fares, and shall be substituted for those appearing in Schedule A. of Ordinance No. 10 of 1865, viz:—

1st Class, Seven and a half cents per mile.
2nd Class, Five cents per mile.
3rd Class, Two and a half cents per mile.

To be read as one Ordinance with 10 of 1865.

3. THIS Ordinance shall be read and construed as one with the aforesaid Ordinance No. 10 of 1865.

Passed in Council, the Fifteenth day of November, One thousand Eight hundred and Seventy-one.

James Swan,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of November, One thousand Eight hundred and Seventy-one, and published by his order.

Henry T. Irving,
Colonial Secretary.

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No. 13.—1871.

An Ordinance relating to Postal Rates.

No. 13.—1871.

Preamble.

WHEREAS the Currency of this Island will, on the 1st January, 1872, be changed from Pounds, shillings, and pence, to Rupees and Cents; and it has, in consequence, become necessary to adjust the penny rate, on which existing Postal charges are based, to the new Currency, IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Commencement of Ordinance.

1. THIS Ordinance shall come into operation on the 1st January, 1872.

All existing Postal charges to be collected at the rate of Four cents to the penny.

2. THE Colonial inland charges levied on letters, parcels, and patterns and samples, and book-packets, under the sanction of the Ordinance 10 of 1869, and the charges at present levied on letters sent by the land route to India, under the sanction of Ordinance No. 27 of 1865, Section 28, and the charges at present levied on correspondence dispatched to foreign countries from Ceylon, as well as on unpaid correspondence received in Ceylon from foreign countries, under the sanction of Proclamations, issued by virtue of the powers conferred on the Governor and Executive Council by Section 9, Ordinance 10 of 1869, and previous similar enactments, shall, from the 1st January, 1872, be collected at the rate of Four cents to the penny. PROVIDED, however, that nothing herein contained shall be held to interfere with the aforesaid powers conferred on the Governor, with the advice of the Executive Council, to, from time to time, alter, amend, or determine such foreign rates of postage as aforesaid: or to interfere with the power of the Governor, with advice as aforesaid, to alter certain inland rates.

Proviso—power to alter foreign rates reserved.

And certain inland rates.

This and certain former Ordinances to be read as one.

3. THIS Ordinance shall be read and construed as one Ordinance with those No. 27 of 1865, and No. 10 of 1869, save and excepting the Sections of the former repealed by the latter.

Passed in Council, the Fifteenth day of November, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of November, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 14.—1871.

An Ordinance to adjust Customs Duties to the Currency of Rupees and Cents.

No. 14.—1871.

Preamble.

WHEREAS the Currency of this Island will, on the 1st January, 1872, be changed from Pounds, shillings, and pence, to Rupees and Cents, and it has, in consequence, become necessary to adjust to the new Currency certain Customs Duties whose exact equivalents in cents involve impracticable fractions of cents: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Commencement of Ordinance.

1. THIS Ordinance shall come into operation on 1st January, 1872.

New Schedules of duties.

2. THE Schedules marked B., C., and D. hereto annexed, shall be substituted for those marked B., C., and D., respectively, annexed to the Ordinance No. 17 of 1869. But these substituted Schedules shall not affect any duties, or arrears of duties, which shall be due or payable at the date when this Ordinance shall have come into operation.

This Ordinance and No. 17 of 1869 to be read as one.

3. THIS Ordinance and No. 17 of 1869 shall be read and construed as one Ordinance.

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SCHEDULE B.

Import Duty.

Articles.		Duty. Rs.	Cts.	
Ammunition and Arms, viz:				
Fowling Pieces, Guns and Rifles, single-barrelled	each	2	50	
Do. do. double-barrelled, and Revolvers	„	5	0	
Gunpowder	the lb.	0	17	
Blasting Powder	„	0	5	
Pistols, single-barrelled	each	1	50	
Do. double-barrelled, and Revolvers	„	3	0	
Shot	the cwt.	0	50	cts.
Asphalt	the ton	2	50	(12½ the cwt)
Bacon, Butter, Cheese, and Hams	the cwt.	3	0	
Beef, Pork, Humps, Tongues, salted or corned	„	1	25	
Beer, Ale, Porter, and all other Malt Liquors in wood	the gallon	0	13	
Do. do. do. in bottle	„	0	17	
Candles, Spermaceti, Wax, Stearine, and Composition	the cwt.	3	0	
Do. Tallow	„	1	50	
Cement	„	0	17	
Cotton Goods, viz:				
Grey Cambrics, „ Madapolams, „ Shirtings (bracketed together)	on an assessed value of 70 cents per lb. for every Rs. 100 value thereof	5	0	
„ Domestics, „ Long Cloths, „ Sheetings, „ Tea Cloths, „ Mule Twist, Nos. 30 to 60 (bracketed together)	Do. 60 cents. do. do.	5	0	
Yarns, Turkey Red	Do. 1 rupee and 50 cents do.	5	0	
„ Orange, Green, and other colours, 80 cents	do.	5	0	
Cotton seed	the cwt.	0	17	
Fish, dried or salted, roes, fins, skins, and blood, the produce of creatures living in the sea	„	0	50	
Flour (wheat)	„	1	0	
Ghee	„	2	50	
Gunnies of all kinds	per 100 bags	1	50	
Metals:				
Brass sheets, wire, and nails	the cwt.	3	0	
Copper sheathing, bars, bolts, ingots, plates, nails, and tacks	„	3	0	cts.
Iron bar, flat, square, bolt or round, rod and nail rod	the ton	4	0	(20 the cwt.)
Do. angle, Swedish bar, hoop, plate, and sheet	„	5	0	(25 „)
Do. corrugated	„	7	0	(35 „)
Do. galvanized, viz., guttering, hoop, nails, piping, ridging, rivets, sheets, and sheets corrugated, spouting, strapping, screws, tiles, washers, wire	„	15	0	(75 „)
Do. nails and tacks of sorts, and rivets	the cwt.	0	63	
Do. pig	the ton	2	50	(12½ „)
Lead sheet, pipe and pig	„	10	0	(50 „) (for Lead, Spelter and Steel blister, bracketed together)
Spelter, tin, zinc, in cake or slab	„	10	0	
Steel blister	„	10	0	
Do. cast	„	12	50	(62½ „)
Tin plates	the cwt.	0	75	
Zinc perforated	„	3	0	
Onions	„	0	17	
Opium	the lb.	0	50	
Paddy	the bushel	0	13	
Poonack	the cwt.	0	17	
Potatoes	„	0	38	
Rice, wheat, gram, peas, beans, and other grain, except paddy	the bushel	0	29	
Salt	the cwt.	2	13	
Saltpetre	„	0	50	
Spirits and cordials	the gallon	2	50	

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Articles.		Duty. Rs.	Cts.
Sugar, viz:			
Jaggery or Palm, not equal in quality to brown or Muscavado	the cwt.	0	50
Brown, unrefined or Muscavado	„	1	25
Sugar Candy, white clayed, refined, or sugar rendered by any process equal thereto	„	2	50
Tallow and Grease	„	1	25
Tar or Pitch	„	0	17
Do. Stockholm	„	0	38
Tea	the lb.	0	25
Tobacco, manufactured	„	0	17
Do. unmanufactured, and Hooka	„	0	9
Do. Cigars, Cheroots, and Snuff	„	0	50
Wine, in bottle	the gallon	1	25
Do. Ginger	„	0	50
Do. Claret in wood	„	0	50
Do. other kinds in wood	„	0	75
Goods, wares, and merchandize, not otherwise charged with duty, or prohibited, and not comprised in the Table of Exemptions hereinafter set forth, for every Rs. 100 of the value thereof in this market	„	5	0

Table of Exemptions.

Acids	Free.
Animals, viz., horses, mules, asses, neat cattle, and all other live stock	„
Arrecanuts	„
Arrowroot	„
Beeswax	„
Books and maps, printed	„
Bricks and tiles of clay	„
Bullion, coin, pearl oysters, pearls, and precious stones, unset	„
Canoes	„
Cardamons	„
Casks, empty, shooks and staves	„
Castor-seed poonack	„
Coal, coke, and patent fuel	„
Cocoanuts and cocoanut oil	„
Coffee	„
Coir yarn, rope, junks, fibre, twine, and strands	„
Copperah	„
Cotton wool	„
Cowries and shells (not tortoise-shell)	„
Dammer	„
Drawings	„
Fruits, fresh, and not in any way preserved	„
Grindstones	„
Hay, straw, and bran	„
Hops	„
Horns	„
Ice	„
Images and Statuettes	„
Instruments, scientific	„
Jute	„
Leeches, live	„
Machinery, viz. :—	
Agriculture and Agricultural produce.—Machinery for the manufacture of Oil and Sugar, Pulpers, Peelers, Sizers; Winnowing, Threshing, Corn Mill, and Flour-dressing Machinery	„
Building and Sanitary purposes.—Machinery for the manufacture of Bricks, Tiles, and Drain-pipes; Dredging and Pile-driving Machinery	„

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Cranes, Presses, &c.—Hydraulic, Screw, Lever or Cam Presses, Cranes, Derricks, Crab-Winches, Screw and other Jacks ... . Free.
Forge and Foundry Machinery.—Steam, Tilt, Lift, and Pneumatic Hammers, Forging Machines, Smithy or Foundry Fans, Blowing Machines, and Iron-work for Reverberatory Furnaces and Cupolas . .. . „
Gas.—Retorts, Gas Mains, Hydraulic Mains, Purifiers, Condensers, Gas-holders, Hydraulic Valves, Gas Meters, Pressure Gauges .. . .. „
Machinery for Fibrous substances and Textile Fabrics.—Cotton Gins, Openers, Scutchers, Lap Machines, Carding Engines, Drawing-frames, Slubbing-frames, Rovers, Throstles, Self-acting Mules, Spinning Jennies, Burring Machines, Teazing, Condensing, Fibre Machines, Hackling Machines, Balling Engines, Spreaders, Towlap or Cop-winding Machines, Rope-machines, Silk-winding, Spinning, Sizing, Doubling, Throwing, Fibre, Machines; Hand, Power, and Jacquard, Looms, Knitting Machines ; Calenders . .. .. „
Mill-work.—All Shafting, Drums, Machine-pullies and belting, Wall-boxes, Hangers, Brackets, Plummer-blocks, Brasses and Bushes, Spur, Mitre, Bevel, and Friction Gearing; Geared Horseworks either for horses or adapted to other animals, with all fittings and connections for transmitting power to machinery . . .. „
Mining, &c.—Ore-crushing, Stamping, Washing and Separating Machinery; Stone-breaking Machines, and Machinery for Tunnels or perforating Rock . . .. „
Paper and Printing.—Printing and Lithographic Presses; Type and Type Machinery; Machinery used in the preparation and manufacture of Paper .. . .. „
Prime Movers.—Windmills, Water-wheels, Water-pressure Engines, Turbines and other Hydraulic motors; all descriptions of Marine, Locomotive, Stationary and portable Steam Engines, Pneumatic, Atmospheric and Magneto-Electric Engines, their boilers, generators, fittings, connections and gearing; also Machinery for lifting, forcing, conducting, or storing water ... „
Railway.—Traversers, Turntables, Railway, and Cart Weighing Machines, Points, Crossings, Fittings, Couplings, Wheels, Axles, Axle-boxes, and Iron work for Railway Carriages, Rails (temporary and permanent), Spring-buffers .. .. „
Workshop.—Punching, Shearing, Plate-bending, Plate-cutting, Rivetting, Drilling, Boring, Planing, Shaping, Slotting, Screw-making, Sawing, Tenoning, Mortising, Moulding, Rebating, Tongueing, and Grooving Machines; Lathes; File-cutting, Carving, Engraving, Bolt-making, Rivet-making and Washer-making Machines ... ... „
Sundries.—Machinery,—for the manufacture of Fish-guano or other Manures; Bone-crushing and Peat-compressing Machinery; Machines for the manufacture of Casks ... ... „

All the machinery above stated either whole or in parts.

Manures of all sorts, and ingredients imported solely for the manufacture of Manures, and certified as such by the Importer ... ... „
Manuscripts ... ... „
Nets, Fishermen's ... ... „
Oil, the produce of creatures living in the sea ... ... „
Olas ... ... „
Paper and Envelopes ... ... „
Passengers' baggage, viz: wearing apparel, and instruments intended for the professional use of, and accompanying passengers ... . „
Plants, trees and seeds, intended for agricultural and horticultural purposes ... ... „
Plumbago ... ... „
Regimental clothing, uniforms, necessaries, accoutrements, and band instruments, imported for the use of Her Majesty's land and sea forces ... ... „
Saltpetre, refuse of, for purposes of Manure only, as certified by the Importer ... ... „
Slates, roofing .. . . „
Specimens and objects illustrative of Natural History .. .. .. „
Stones, Ballast .. .. „
Do. Coral .. .. „
Do. Grinding .. .. „
Do. Tomb and Tablets .. .. „
Tanks, iron .. .. „

SCHEDULE C.

Table of Prohibitions and Restrictions Inwards.

Ammunition, arms, gunpowder, and utensils of War by way of merchandize, except by license from Her Majesty for furnishing Her Majesty's public stores only, or under the directions of the Collector by authority of the Governor.

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Books wherein the copyright shall be first subsisting, first composed, or written or printed in the United Kingdom, and printed or re-printed in any other country, and of which notice that copyright subsists shall have been given by the proprietor to the Commissioners of Customs, London.

Coin, viz., false money, or counterfeit sterling Coin of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Dangerous substances, viz., earth oil or mineral naphthas, fulminating powder, gun cotton, nitro-glycerine, except by license of the Governor, and under regulations to be made by the Governor, with the advice of the Executive Council, from time to time, for the safe landing and deposit thereof.

Indecent or obscene prints, paintings, books, cards, lithographs, photographs, engravings, or any other indecent or obscene articles.

Infected cattle, sheep, or other animals, also hides, skins, horns, hoofs, or any part of cattle or other animal, which the Governor may by Proclamation prohibit, in order to prevent contagious distemper.

Fish, grain, and other articles in a damaged, stinking, offensive condition, unfit for food and legitimate use, and likely to breed sickness or any contagious disorders.

Parts of articles, viz., any distinct or separate part of any article not accompanied by the other part, or all the other parts of such articles, so as to be complete or perfect, if such articles be subject to duty according to the value thereof.

SCHEDULE D.

Port Dues leviable at per Ton Burthen.

On Entry Inwards with Cargo, or with Passengers exceeding one person for every two Tons On Clearance outwards with Cargo, or with Passengers exceeding one person for every two Tons of Burthen	8 cents per ton
In the case of Mail Steamers, of whatever Tonnages, the dues either Inwards or Outwards are not to exceed	Rs. Cts. 50 00

Composition for Port Dues.

Vessels conveying Goods between one Port and another within the Island are allowed to compound for Port Dues for 12 months, at per ton	0 50

Exemptions.

On Entry inwards in Ballast or with Cargo reported for Exportation, if the Vessel leaves the Port without breaking Bulk or landing Passengers exceeding one person for every two tons .	Free.
On Clearance in Ballast or with the original Cargo, if the Vessel leaves the Port without shipping Goods or Passengers, exceeding one person for every two tons Burthen . .	„
Ships of 250 Tons and upwards, not being Mail Steamers, landing Cargo not exceeding 10 Tons and Shipping Cargo not exceeding 10 Tons	„

Passed in Council, the Fifteenth day of November, One thousand Eight hundred and Seventy-one.

James Swan,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of November, One thousand Eight hundred and Seventy-one, and published by his order.

Henry T. Irving,
Colonial Secretary.

No. 15.—1871.

No. 15.—1871.

To apply a portion of the Surplus Revenues of past years to Works and Services of acknowledged Public utility.

Preamble.

WHEREAS it is expedient to apply a portion of the funds which have accrued from the Surplus Revenues of past years, to the execution of Works and Services of acknowledged Public utility:

£53,000 to be charged upon the Surplus Revenues of the Island.

1. IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, that a sum not exceeding Fifty-three thousand Pounds out of the said Surplus Revenues,

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No. 15.—1871.

shall be issued and applied to the execution of the several Public Works and Services hereinafter mentioned, in conformity with the details of the Estimates to be submitted.

Railway Extension	£25,000
Balance on an Estimate for £9,084 for the extension of the Morowaka Road	3,084
For the restoration of the Magala Wẹwa, Nikawẹraṭiya ...	5,574
Balance on an Estimate for £3,748 for improvement of the Kẹgalla and Polgahawela Road	2,748
Towards completion of the Badulla and Batticaloa Road ...	16,594
Total £	53,000

Treasurer to pay the above at such time as the Governor, by warrant, shall order.

2. THE Treasurer of the said Island shall issue and pay the said several sums to such persons for the purposes hereinbefore mentioned, in such proportions as the Governor, for the time being, by any warrant or order in writing to be signed by him, shall, from time to time, order and direct; and the payments so to be made shall be charged upon and payable out of the said Surplus Revenues of the said Island.

And to receive credit in his accounts for the payments made in pursuance thereof.

3. THE said Treasurer shall, in his accounts, from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid; and the receipt or receipts of the respective persons to whom the same shall be so paid, shall be a full and valid discharge to the said Treasurer, in passing his said accounts, for any such sum or sums as shall be therein mentioned, and he shall and may receive credit for the same accordingly.

Passed in Council, the Twenty-second day of November, One thousand Eight hundred and Seventy-one.

James Swan,
Clerk to the Council.

Assented to by His Excellency the Governor, the First day of December, One thousand Eight hundred and Seventy-one, and published by his order.

Henry T. Irving,
Colonial Secretary.

No. 16.—1871.

No. 16.—1871.

An Ordinance to give effect to certain Rules of Court in Criminal matters.

Preamble.

WHEREAS by "*The Administration of Justice Ordinance*, 1868," it is provided that it shall be the duty of the Judges of the Supreme Court, and they are thereby required, so soon as any Rule, Order or Regulation has been framed by them, to transmit the same under their hands and the seal of the Court to the Governor, by whom the same shall be laid with all convenient despatch in the form of an Ordinance before the Legislative Council, to be considered and dealt with in such and the same manner as any other Ordinance, and that no Rule, Order or Regulation shall operate or take effect until the same shall have been duly enacted: And whereas the Judges have transmitted to the Governor, in the manner directed by the said Ordinance, certain Rules in the first section described: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Certain Rules relating to Criminal Prosecutions in the District Courts, &c.

1. THE Rules in the Schedule to this Ordinance annexed, touching and concerning Criminal Prosecutions in the District Courts, and touching and concerning the proceedings by and before Justices of the Peace as to such prosecutions, and touching and respecting the proceedings of the Fiscals as to such prosecutions, shall operate and take effect from and after the passing of this Ordinance.

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THE SCHEDULE.

It is ordered

1. THAT on and after the day on which these present Rules shall be enacted as an Ordinance, the Rules of Court contained in the 2nd, 3rd, 4th, 5th, 6th, and 10th sections of the Rules and Orders touching Criminal Prosecutions in the District Courts, except so much of the 10th section as relates to costs, dated 21st October, 1844, be revoked.

And it is further ordered that

2. FROM and after the day first aforesaid, sittings of the District Court for the trial of criminal cases shall be held on the first and third Wednesdays of every month; on which days criminal business shall have precedence over all other business. Criminal cases, if any, then undisposed of are to be taken on the next day or, if not disposed of then, at such other time as may be consistent with the general business of the Court and due convenience of parties. These stated days may be changed in any District Court, with the sanction of the Supreme Court. Notice of such alteration shall be transmitted by the District Court to the Fiscal and to every Justice of the Peace in the District.

3. IN committals for trial before the District Court, and in recognizances for the appearance of the accused to take his trial, and in recognizances for the appearance of witnesses to give evidence, the committal and the recognizances shall specify the day of trial. The day specified shall be the next Wednesday after the committal which shall be a first or third Wednesday in the month, or any day to which it may be changed as aforesaid, and between which and the day of committal there shall be an interval of not less than ten clear days. It shall be the duty of Fiscals and Superintendents of Convict Establishments to produce prisoners for trial on the days so specified, and on all days to which the trial may be postponed or adjourned. No further notice of the first day of trial to either accused or witnesses shall be necessary. So also every summons or subpœna to attend as a witness or produce documents at a District Court criminal trial, shall be issued by the Justice of the Peace, and shall specify the day of trial as aforesaid. Every default in appearing, attending, or producing according to the exigency of such recognizance or summons or subpœna as aforesaid, shall be punishable by the District Court as similar defaults are punishable according to the present practice.

4. ON the day fixed for trial, if the parties are present, the Queen's Advocate or the Deputy Queen's Advocate in cases prosecuted by him shall present a written indictment, and in cases privately prosecuted the Secretary of the Court shall prepare and produce one. The plea of the accused shall be taken, and the trial shall be conducted in all matters of practice as nearly as may be according to the practice of the Supreme Court in Criminal Session.

5. IF in cases privately prosecuted, the complainant makes default in appearance at the day of trial, or if he appears and states that he desires to withdraw the charge, it shall be in the discretion of the District Judge to dismiss the charge, and discharge the prisoner if present. In such case the charge shall not be again entertained except on prosecution by the Crown. And it shall also be in the discretion of the District Judge to postpone the case to some other day; and it shall also be in the discretion of the District Judge to compel, by warrant of arrest, the appearance of the complainant on the day of such postponement.

6. NOTHING herein contained is to be understood as taking away or diminishing the right of the District Judge to summon Assessors, or any power or authority now possessed by the District Courts as to adjournment, or as to commitment, or as

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No. 16.—1871.

to remanding or otherwise. And the District Courts are to have as full powers, as to amendment of pleadings or process in Criminal cases, as are now exercised by any Criminal Court in the Island.

Passed in Council, the Sixth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 17.—1871.

No. 17.—1871.

An Ordinance for making provision for the Supplementary Contingent Charges for the year 1871.

Preamble.

WHEREAS by an Ordinance No. 6 of 1871 it was enacted that a sum not exceeding Six hundred and Eighty-three thousand Five hundred and Twenty-three pounds, Twelve shillings, and Nine pence, should be charged upon the Revenue of this Island for the Contingent Service of the year One thousand Eight hundred and Seventy-one, and it has become necessary to make further provision for the service of the said year:

£60,550 7s. 2½d. to be charged upon the Revenue of this Island for the Supplementary Contingent Service of the year 1871.

1. IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, that a sum not exceeding Sixty thousand Five hundred and Fifty pounds, Seven shillings, and Two pence half-penny, shall be, and the same is hereby charged upon the Revenue of this Island, for the service hereinafter mentioned; and the said expenditure shall be in conformity with the details of the Estimates specified in the Schedule A. hereunto annexed, whereof the following is an abstract.

ESTABLISHMENT.	£	s.	d.	£	s.	d.
Salaries, Provisional and Temporary	463	12	1			
Allowances	620	16	8			
Office Contingencies	1,183	14	0			
				2,268	2	9
SERVICES, *exclusive of Establishments.*						
Revenue Services	2,012	4	0			
Administration of Justice	2,659	0	0			
Charitable Allowances	306	0	0			
Education	1,856	4	0			
Hospitals	453	7	0			
Police and Gaols	16,822	10	0			
Rent	176	18	4			
Transport	759	10	0			
Works and Buildings	1,184	19	0			
Roads, Streets, Bridges, and Canals	1,891	18	5			
Miscellaneous Services	28,185	7	0½			
Colonial Store	380	0	0			
Government Vessels	800	0	0			
Refund of Duties, Drawbacks, &c	794	6	8			
				58,282	4	5½
			Total—	£60,550	7	2½

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Treasurer to pay the above at such time as the Governor by Warrant shall order.

2. THE Treasurer of the said Island shall issue and pay the said several sums to such persons, for the purposes hereinbefore mentioned, upon such days and in such proportions as the Governor for the time being, by any Warrant or order in writing to be signed by him, shall from time to time order and direct; and the payments so to be made shall be charged upon and payable out of the Revenues of the said Island.

And to receive credit in his accounts for the payments made in pursuance thereof.

3. THE said Treasurer shall in his Accounts from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such Warrant or order in writing as aforesaid; and the receipt or receipts of the respective persons to whom the same shall be so paid, shall be a full and valid discharge to the said Treasurer in passing his said Accounts for any such sum or sums as shall be therein mentioned; and he shall and may receive credit for the same accordingly.

SCHEDULE A.

No. 1.—	Provisional and Temporary Salaries.	Allowances.	Office Contingencies.	—	Total.
	£ s. d.	£ s. d.	£ s. d.		£ s. d.
Civil Establishments:					
Secretariat	—	—	490 0 0	—	490 0 0
Provincial Agencies:					
Agent, Western Province ...	—	—	65 0 0	—	65 0 0
Do. North-Western Province ...	36 0 0	—	—	—	36 0 0
Do. Southern Province ...	—	—	—	—	—
Do. Eastern Province ...	—	—	—	—	—
Do. Northern Province ...	—	—	—	—	—
Do. Central Province ...	61 5 1	—	5 0 0	—	66 5 1
Public Works Department ...	18 3 8	—	—	—	18 3 8
Survey Department	5 0 0	—	250 0 0	—	255 0 0
Customs	—	—	147 8 0	—	147 8 0
Judicial Establishments:					
Queen's Advocate	—	—	10 10 0	—	10 10 0
District Courts, Courts of Requests, and Police Courts	—	20 16 8	1 10 0	—	22 6 8
Registration Department ...	—	500 0 0	—	—	500 0 0
Fiscals in the Provinces, including Gaols	3 0 0	—	7 0 0	—	10 0 0
Ecclesiastical	29 3 4	—	—	—	29 3 4
Public Instruction	24 0 0	—	—	—	24 0 0
Medical	—	—	207 6 0	—	207 6 0
Police	209 10 0	100 0 0	—	—	309 10 0
Colonial Store	77 10 0	—	—	—	77 10 0
£...	463 12 1	620 16 8	1,183 14 0	Carried forwd.	2,268 2 9

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—1871.

	[Brought forward £...	...	2,268 2 9
No. 3.—REVENUE SERVICES.			
PROVINCIAL AGENCIES.			
Agent, Western Province		388 0 0	
Grain.			
Commission to Collectors	300 0 0		
Assessment.			
Remuneration to Assessors	38 0 0		
Civil and Revenue Law expenses	50 0 0		
	388 0 0		
Agent, Southern Province.			
Salt.			
Cost of watching and removing Salt		600 0 0	
Agent, Eastern Province.			
Timber.			
Informers' share on proceeds sale of confiscated Timber ...		245 0 0	
Agent, Northern Province		264 4 0	
Grain.			
Commission to Headmen on Grain Revenue ...	52 0 0		
Pearl Fishery.			
For inspecting the Pearl Banks at Arippu ...	200 0 0		
Freight for the conveyance of 104 Fishing nets from Mannár to Colombo by the "Geraldine" ...	5 4 0		
Stamps.			
Commission on Revenue Stamps sold ...	7 0 0		
	264 4 0		
Agent, Central Province		515 0 0	
Grain.			
Commutation expenses, being 1-20th share to Headmen collecting Tax	400 0 0		
Assessment.			
Assessment Tax on Public Buildings	70 0 0		
Fines.			
Refund of Fines	45 0 0		
	515 0 0		2012 4 0
No. 4.—ADMINISTRATION OF JUSTICE.			
Police Magistrates, &c.		4 0 0	
Fiscals		2655 0 0	
			2659 0 0
No. 6.—CHARITABLE ALLOWANCES.			
Agent, Western Province.			
Additional donation in aid of the Funds of the Colombo Friend-in-Need Society from 1st January to 31st December, 1871, at £25 per mensem		300 0 0	
Donation do. do. to Kalutara do.		1 10 0	
Do. do. do. Negombo Benevolent Society		1 10 0	
Agent, North-Western Province.			
Allowance to Mrs. Dorothea DeRun, wife of the late Mr. John Christopher DeRun, of the Public Works Department, Kurunégala, at £1 per mensem, from 1st October, 1871.		3 0 0	
			306 0 0
No. 7.—EDUCATION.			
Director of Public Instruction.			
Allowances.			
Grants-in-aid	890 7 7		
Allowance to the Kandy Industrial School from 1st August to 31st December, 1871, at the rate of £200 per annum ...	83 6 8		
Compensation to the Trustees for the ground and building vacated by the Kandy Industrial School	300 0 0		
Grant-in-aid to the Chundicully Vernacular Girls' School for 1870	4 10 6		
Do. to Batticotta High School for 1870, underpaid ..	5 18 6		
Allowance for Rent to Miss H. Trowell, Acting Principal Teacher of the Galle Girls' School, from 1st June to 31st December, 1871, at £25 per annum	14 11 8		
		1298 14 11	
Contingencies.			
Cost of Books		557 9 1	
			1856 4 0
	Carried forward —£	—	9,101 10 9

[Brought forward £		—	9,101 10 9
No. 8.—HOSPITALS.			
Agent, Western Province		200 0 0	
Do. Southern do.		206 0 0	
Do. Central do.		47 7 0	
			453 7 0
No. 9.—POLICE AND GAOLS.			
Police Magistrates		2 10 0	
Fiscal, North-Western Province		10 0 0	
Do. Southern do.		20 0 0	
Do. Eastern do.		90 0 0	
Do. Northern do.		700 0 0	
Government of India		16,000 0 0	
			16,822 10 0
No. 10.—RENT.			
Agent, Western Province		4 3 4	
Queen's Advocate		9 15 0	
Principal Civil Medical Officer and Inspector-General of Hospitals ...		13 0 0	
Inspector-General of Police		150 0 0	
			176 18 4
No. 11.—TRANSPORT.			
Treasurer		120 0 0	
Agent, North-Western Province		20 0 0	
Do. Central do.		250 0 0	
Police Magistrates, &c.		219 10 0	
Inspector-General of Police		100 0 0	
Inspector-General of Prisons		50 0 0	
			759 10 0
No. 13.—WORKS AND BUILDINGS.			
DIRECTOR OF PUBLIC WORKS.			
Repairs.			
For asphalting floors and other repairs to the Model Salt Stores A and B at Puttalam, balance of Estimate No. 20, sanctioned 30th January, 1868	157 19 0		
For constructing Verandahs on the western front of the Model Salt Stores A and B at Puttalam, balance of estimate No. 21, sanctioned 30th January, 1868. ...	52 0 0		
		209 19 0	
Alterations and additions to Buildings.			
For certain additions and improvements to the General Treasury	405 0 0		
For blowing up the Barques "Aquiline" and "Karnak," £330 and £240	570 0 0		
		975 0 0	
Total, Works and Buildings—			1,184 19 0
No. 14.—ROADS, STREETS, BRIDGES, AND CANALS.			
DIRECTOR OF PUBLIC WORKS.			
ROADS, STREETS, BRIDGES AND CANALS.			
FOR THE ORDINARY AND NECESSARY REPAIRS.			
ROADS.			
For the upkeep of the River Road between Veralupe bridge and the Rest-House Ferry, and from the Bazaar to the Fort Ferry	35 0 0		
For upkeep of the Gampola and Ambagamuwa road between Gampola and Ginigathena Gap	300 0 0		
		335 0 0	
BRIDGES.			
For repairs to the Kalutara Bridge	750 0 0		
For completing the work provided for by estimate No. 268 of 1871; by putting four Friction Rollers under the girders of the Ratnapura Bridge	121 0 0		
		871 0 0	
Carried forward ...£		1,206 0 0	28,498 15 1

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	£	s.	d.	£	s.	d.	£	s.	d.
[Brought forward...£				1,206	0	0	28,498	15	1
Departmental Charges.									
For taking Photographs of the principal buildings and of the various races of the Island	300	0	0						
To meet the necessary expenses for causing the ruins at Anurâdhapura to be cleared, with a view to searching for ancient Siṇhalese Inscriptions	25	0	0						
Travelling expenses of L. de Zoysa, Mudaliyar, as a Member of the Archæological Committee	32	4	2						
For the payment of costs due to the Government Proctor, and Batta to Captain Oldfield, in the case of Raman Chetty vs. the Queen's Advocate, No. 49,453, District Court, Kandy	22	1	5						
For the payment of costs due in defending an action brought by a Contractor against the Division Officer of Sabaragamuwa in 1864	16	2	9						
For the purchase of Bullocks for the use of the Public Works Department	50	0	0						
				445	8	4			
New Undertakings (other than Buildings).									
Additions and improvements to existing Roads.									
For opening and metalling the approaches to the Haragama Bridge	92	14	7						
				92	14	7			
New Bridges.									
For the completion of the Bridge over the Bilihul Oya on the Maturata Road	147	15	6						
				147	15	6			
Total, Roads, Streets, Bridges, and Canals—				—			1,891	18	5
No. 15.—MISCELLANEOUS SERVICES.									
Treasurer				19,033	0	6			
Agent, Western Province				530	1	0			
Do. North-Western do.				362	0	0			
Do. Southern ... do.				167	1	6			
Do. Eastern do.				115	0	0			
Do. Northern ... do.				0	2	0			
Director of Public Works				15	11	3½			
Surveyor-General				308	7	9			
Master Attendant, Colombo				30	0	0			
Police Magistrates				4	3	0			
Registrar-General				2,600	0	0			
Inspector-General of Police				20	0	0			
Crown Agents				5000	0	0			
							28,185	7	0½
No. 17.—COLONIAL STORE.									
Colonial Storekeeper				380	0	0			
							380	0	0
No. 19.—GOVERNMENT VESSELS.									
Treasurer				...			800	0	0
No. 21.—REFUND OF DUTIES, DRAWBACKS, &c.									
Treasurer				470	1	6			
Agent, Western Province				155	0	0			
Do. North-Western Province				6	9	10			
Do. Southern Province				54	10	0			
Do. Eastern Province				20	5	3			
Do. Central Province				88	0	1			
							794	6	8
Total ...£				...			60,550	7	2½

Passed in Council, the Sixth day of December, One thousand Eight hundred and Seventy-one.

James Swan,
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

Henry T. Irving,
Colonial Secretary.

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No. 18.—1871.

No. 18.—1871.

An Ordinance to amend the practice and proceedings of Police Courts.

Preamble.

WHEREAS it is expedient to amend the practice and proceedings of Police Courts, IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, by and with the advice of the Legislative Council thereof, as follows :—

Plaints and Subpœnas to bear stamps.

1. EVERY Plaint filed in a Police Court or before the Bench of Magistrates (except where the same is filed by a Government, or Police, or Municipal Officer in the execution of his duty, or by a Government Renter in matters relating to his rent), shall bear a stamp of Fifteen Cents, and every Subpœna (except as aforesaid) issued by such Court shall bear a stamp of Five Cents. PROVIDED that it shall be lawful for the Magistrate, on being satisfied that the complainant has a fair ground of complaint, but is unable to supply stamps for the Plaint and Subpœnas, or that the defendant is unable to supply stamps for Subpœnas, to allow such Plaint to be filed and such Subpœnas to be issued without stamps.

Proviso.

Magistrate to enquire whether a crime has been committed, and whether Court has jurisdiction.

2. THE second Rule of the General Rules and Orders for the Police Courts in Schedule A attached to the Ordinance No. 18 of 1861, entitled "*An Ordinance for giving effect to certain Rules and Orders for the Police Courts*," is repealed, and, instead thereof, it is enacted that the Police Magistrate shall set apart a portion of each working day to hear complaints. Any person making a complaint shall state the same orally to the Magistrate, who shall enter it, by way of Plaint, in a separate sheet of paper, and affix thereto (unless such person shall be allowed to file a Plaint without stamp) the necessary stamp for a Plaint to be supplied by him, or he shall deliver to the said Magistrate a Plaint written on a separate sheet of paper with the necessary stamp signed by himself. If the Plaint, or the examination of the complainant (and it shall be competent to the Magistrate to examine the complainant at this stage of the case), discloses no legal crime or offence, or one not cognizable by a Police Court, the Magistrate shall refuse to issue process on the Plaint, but it shall be his duty in such case to record the examination of the complainant and his order refusing to issue process. Such order shall be subject to appeal to the Supreme Court.

Magistrates may require expenses of parties resident beyond ten miles from Court to be deposited in Court.

3. IT shall be competent to the Police Magistrate, in his discretion, if he shall see fit to do so, before issuing process directed to any person resident more than ten miles from the Court (except when the Plaint is filed by a Government, Police, or Municipal Officer in the execution of his duty, or by a Government Renter in matters relating to his rent), to require such sum as the Magistrate shall consider reasonable to be deposited in Court to meet the expenses of such person coming into Court. At the hearing of the case it shall be the duty of the Magistrate to determine whether such sum or part thereof should be returned to the complainant, or be awarded as expenses payable to or on account of the defendant.

Appropriation of such sum.

Magistrate may award the expenses of the defendant.

4. IT shall be competent to the Police Magistrate at the trial of any case, to award such reasonable expenses of the party and of such witnesses as shall have attended, against such complainant or defendant, as to the said Magistrate shall seem fit, anything in Section 106 of "*The Administration of Justice Ordinance*, 1868," to the contrary notwithstanding. The Magistrate may also award expenses in any case which shall be dismissed for the non-appearance of the complainant, the defendant being present. And if the party condemned to pay the expenses shall fail to pay the same at such time and place as the Magistrate shall direct, it shall be the duty of the Magistrate to issue a Warrant of Distress to the Fiscal, for the purpose of recovering the same, together with the reasonable charges incurred in respect of such recovery, by distress and sale of the property of such party.

No complaint once dismissed to be re-instituted, without express leave.

5. NO complaint, once dismissed, shall be re-instituted in any Police Court, without express leave from the Magistrate having been first obtained.

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No. 18.—1871.

Governor may establish scales of fees for the different districts.

6. IT shall be competent to the Governor, with the advice of the Executive Council, to establish, from time to time, scales of fees for each district, for the different classes of inhabitants, to be allowed as expenses under this Ordinance, and, when such scales of fees are so established, the Magistrates shall regulate the expenses to be allowed by them according to such scales.

Passed in Council, the Thirteenth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by his Excellency the Governor, the Fifteenth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 19.—1871.

No. 19.—1871.

An Ordinance to provide for the reduction in certain places of the minimum Rates payable for maintenance of Police.

Preamble.

WHEREAS it is expedient to provide for the reduction in certain cases of the minimum rate payable for the maintenance of the Police: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Minimum rates may be reduced in certain places from Two Shillings to Fifty Cents.

1. IT shall be lawful for the Governor, with the advice of the Executive Council, to reduce, in any place where a Police Force is now or may hereafter be stationed, the minimum rate payable to meet the expenses defrayable by the inhabitants of such place for the maintenance of such Police force, from the sum of Two Shillings yearly to Fifty Cents, if, owing to the poverty of the inhabitants or any other cause, such reduction shall appear to them reasonable. The rate, where such reduction is made, shall be assessed and payable half-yearly, and not quarterly.

This Ordinance and "Police Ordinance, 1865," to be deemed one.

2. THIS Ordinance and "*The Police Ordinance*, 1865," shall be read and construed as if they formed one Ordinance.

Commencement of Ordinance.

3. THIS Ordinance shall come into effect on the First day of January, 1872.

Passed in Council, the Eighteenth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Nineteenth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 20.—1871.

No. 20.—1871.

An Ordinance to provide for the summoning of Special Jurors to try Criminal Cases before the Supreme Court.

Preamble.

WHEREAS it is expedient to provide for the summoning of Special Jurors to try criminal cases before the Supreme Court : IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Commencement of Ordinance.

1. THIS Ordinance shall come into operation on the First day of January, 1872.

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Fiscal to prepare lists of special jurors.

2. THE Fiscals of the several Provinces shall prepare, or cause to be prepared, in the First week of January in the year 1872, or as soon thereafter as may be, and afterwards in the year 1873, in the First week of January, and thereafter in every second succeeding year, or as soon thereafter as may be, for the said Provinces, from the list of jurors who can speak, read, and write the English language, prepared under "*The Administration of Justice Ordinance*, 1868," and at the time in force in the said Provinces, a list of persons, each of whom possesses an income of not less than Two Thousand Rupees a year, or who possesses, in his own or his wife's right, property, moveable or immoveable, not less than Twenty Thousand Rupees in value, to serve as Special Jurors, as hereinafter prescribed.

Certain provisions of "*Administration of Justice Ordinance*, 1868," extended to special jurors.

3. THE provisions of Sections 123, 124, 125, 126, 129, 130, 133, 134, 135, 136, and 138 of the said "*Administration of Justice Ordinance*, 1868," shall apply to special jurors, and the lists prepared under this Ordinance, so far as the same shall be applicable to them.

When special jurors may be applied for.

4. IT shall be competent to the Queen's Advocate or Deputy Queen's Advocate, or to the prisoner or his Advocate or Proctor, to apply to any Judge of the Supreme Court for an order requiring a special jury to be summoned to try any case in which its importance and the interests of justice render such special jury necessary. And if the Judge to whom the application shall be made shall consider such application just and reasonable, it shall be lawful for him to order the Fiscal to summon a panel of such number as he shall specify from the list of special jurors, to try such case.

Panel from one District may be taken to the same District more than thirty miles distant, or to another District or to another Circuit.

5. IT shall be lawful for any Judge of the Supreme Court, upon cause shewn, to order that a panel of special jurors, summoned from one or more Districts, be taken to any place in the same District beyond Thirty miles from the respective residences of the jurors to where the Court shall be holden, or to any other District in the same or any other Circuit. PROVIDED as follows:—

Proviso.

(1.) THAT no special juror shall be liable to be so taken to serve beyond Thirty miles, unless with his consent.

(2.) EVERY juror taken to serve as special juror at any place more than ten miles from his residence, shall be entitled to his travelling expenses according to such rates as the Governor, with the advice of the Executive Council, shall, from time to time, determine.

(3.) THAT the service of any person as special juror out of the term at which he shall be required to serve as a common juror, shall count in his favour as service either as special or as common juror for the next Session to which he would be otherwise liable to be summoned under the operation of "*The Administration of Justice Ordinance*, 1868."

How sufficient number of jurors, when not available, to be made up.

6. WHEN a case shall be called on for trial in which special jurors shall have been summoned, and a sufficient number of special jurors shall not be in attendance, or shall not be available, owing to any cause, it shall be lawful for the Judge to issue his order that as many men of the by-standers or neighbours, being qualified and liable to serve as jurors, whether special or not, as shall be sufficient to make up a full jury for the trial of such case, shall be forthwith summoned by the Fiscal, and every such person shall be liable to be challenged in like manner as other jurors. PROVIDED that no persons shall serve together in such case, if any valid objections shall be raised under the provisions of this or "*The Administration of Justice Ordinance*, 1868," to their so serving.

Passed in Council, the Eighteenth day of December, One thousand Eight hundred and Seventy-one.

James Swan,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of December, One thousand Eight hundred and Seventy-one, and published by his order.

Henry T. Irving,
Colonial Secretary.

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No. 21.—1871.

No. 21.—1871.

An Ordinance to amend the Ordinance No. 8 of 1871, entitled "An Ordinance to amend in certain respects the Law of Mortgage and Hypothec."

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 8 of 1871, entitled "*An Ordinance to amend in certain respects the law of Mortgage and Hypothec:*" IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Pledges, &c., of moveable property, contained in mortgages duly registered or assurances of immoveable property, need not be registered.

1. NO pledge, conventional hypothecation, or bill of sale, heretofore effected or hereafter to be effected, of any moveable property, and no transfer or assignment, heretofore effected or hereafter to be effected, of such pledge, conventional hypothecation, or bill of sale, shall be deemed to be invalid or in any respect ineffectual for want of registration under the provisions of the said Ordinance No. 8 of 1871, if such pledge, conventional hypothecation, bill of sale, transfer or assignment shall have been or shall be effected by any instrument, which also contains any mortgage or assurance of any immoveable property, or any transfer or assignment of such mortgage or assurance, and if such mortgage or assurance of immoveable property, or transfer or assignment thereof, shall have been or shall be duly registered in pursuance of the Land Registration Ordinances No. 8 of 1863, and No. 3 of 1865, or either of these.

One Certificate of Registration may be given on an instrument containing a mortgage, &c., of immoveable and moveable property.

2. IT shall be competent to the Registrar to deliver to the party effecting a registration of any such instrument, one certificate setting out the mortgage of assurance of immoveable property, and the pledge, conventional hypothecation, or bill of sale of moveable property, instead of two separate certificates.

Time for registering such instruments extended from seven to fourteen days.

3. THE time prescribed by Sections 2 and 3 for registering any pledge, hypothecation or bill of sale of moveable property created by writing, or a transfer or assignment thereof, is hereby extended from Seven to Fourteen days, exclusive of Sundays and public holidays. Any such pledge, hypothecation or bill of sale, or transfer or assignment thereof, heretofore created and registered within Fourteen days from the date of the writing creating the same, shall be deemed good and valid, anything in the said Ordinance to the contrary notwithstanding.

Marriage Settlements declared not to be under operation of said Ordinance.

4. AND, in order to remove all doubts on the subject, it is declared and enacted that Marriage Settlements and Assignments thereof do not come within the definition of Bill of Sale in Section 6, or within any other Section, of the said Ordinance.

Commencement of Ordinance.

5. THIS Ordinance shall come into operation from the date of the passing thereof.

This Ordinance and Ordinance No. 8 of 1871 to be deemed as one Ordinance.

6. THIS Ordinance, and the Ordinance No. 8 of 1871, shall be read as one Ordinance.

Passed in Council, the Twenty-second day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-third day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 22.—1871.

No. 22.—1871.

An Ordinance to amend the Laws regulating the Prescription of Actions.

Preamble.

WHEREAS it is expedient to amend the Laws now in force regulating the Prescription of Actions: IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Repeal of former Ordinance.

1. THE Ordinance No. 8 of 1834, entitled "*An Ordinance to assimilate, amend and consolidate the laws now in force in different parts of the Island, regulating the prescription of Actions,*" is hereby repealed, except so far as respects all rights which shall have accrued, liabilities which shall have been incurred, and all proceedings or matters which shall have taken place before this Ordinance shall come into force,

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Interpretation Clause.

2. IN the interpretation of this Ordinance, the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction:—

Immoveable property.

THE expression "immoveable property" shall be taken to include all shares and interests in such property, and all rights, easements and servitudes thereunto belonging or appertaining.

Term of prescription for lands or immoveable property.

3. PROOF of the undisturbed and uninterrupted possession by a defendant in any action, or by those under whom he claims, of lands or immoveable property, by a title adverse to or independent of that of the claimant or plaintiff in such action (that is to say, a possession unaccompanied by payment of rent or produce, or performance of service or duty, or by any other act by the possessor, from which an acknowledgment of a right existing in another person would fairly and naturally be inferred) for ten years previous to the bringing of such action, shall entitle the defendant to a decree in his favour with costs. And in like manner, when any plaintiff shall bring his action, or any third party shall intervene in any action, for the purpose of being quieted in his possession of lands or other immoveable property, or to prevent encroachment or usurpation thereof, or to establish his claim in any other manner to such land or other property, proof of such undisturbed and uninterrupted possession, as hereinbefore explained, by such plaintiff or intervenient, or by those under whom he claims, shall entitle such plaintiff or intervenient to a decree in his favour with costs. PROVIDED that the said period of ten years shall only begin to run against parties claiming estates in remainder or reversion from the time when the parties so claiming acquired a right of possession to the property in dispute.

Saving in case of reversioners, and remainder men.

Possessory action may be brought within one year of ouster.

4. IT shall be lawful for any person who shall have been dispossessed of any immoveable property otherwise than by process of law, to institute proceedings against the person dispossessing him at any time within one year of such dispossession. And on proof of such dispossession within one year before action brought, the plaintiff in such action shall be entitled to a decree against the defendant for the restoration of such possession without proof of title. PROVIDED that nothing herein contained shall be held to affect the other requirements of the law as respects possessory cases.

Judgments prescribed after ten years.

5. EVERY judgment, decree, or order of any Court shall be deemed to have been satisfied after the expiration of ten years from the time when such judgment, decree, or order shall have been finally pronounced, unless such judgment, decree, or order shall have been duly revived, or unless some writ, warrant, or other process of law shall have been issued to enforce the same, in which case the said period of ten years shall be reckoned from the time when such revival shall have been decreed, or from the last time when such writ, warrant, or process shall have been issued, as the case may be.

Mortgage debt or Bond prescribed after ten years.

6. NO action shall be maintainable for the recovery of any sum due upon any hypothecation or mortgage of any property, or upon any bond conditioned for the payment of money, or the performance of any agreement or trust, or the payment of penalty, unless the same be commenced, in the case of an instrument payable at, or providing for the performance of its condition within, a definite time, within ten years from the expiration of such time, and in all other cases within ten years from the date of such instrument of mortgage or hypothecation, or of last payment of interest thereon, or of the breach of the condition.

Term in case of partnership deeds, written promise, contract, bargain, agreement or security, or upon promissory note, bill of exchange, &c.

7. NO action shall be maintainable upon any deed for establishing a partnership, or upon any promissory note or bill of exchange, or upon any written promise, contract, bargain, or agreement, or other written security not falling within the description of instruments set forth in the 6th Section, unless such action shall be brought within six years from the date of the breach of such partnership deed, or of such written promise, contract, bargain, or agreement or other written security, or from the date when such note or bill shall have become due, or of the last payment of interest thereon.

Terms in cases of action to recover goods, rent, money lent, &c., without written security.

8. NO action shall be maintainable for the recovery of any moveable property, rent or mesne profit, or for any money lent without written security, or for any money paid or expended by the plaintiff on account of the defendant, or for money received by defendant for the use of the plaintiff, or for money due upon an account stated, or upon any unwritten promise, contract, bargain or agreement, unless such action shall be commenced within three years from the time after the cause of action shall have arisen.

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Term in cases for goods sold, shop bill, book debt, or work and labour.

9. NO action shall be maintainable for or in respect of any goods sold and delivered, or for any shop bill or book debt, or for work and labour done, or for the wages of artisans, labourers, or servants, unless the same shall be brought within one year after the debt shall have become due.

Term in cases for damages.

10. NO action shall be maintainable for any loss, injury, or damage, unless the same shall be commenced within two years from the time when the cause of action shall have arisen.

Term in case of actions not hereinbefore provided for.

11. NO action shall be maintainable in respect of any cause of action not hereinbefore expressly provided for, or expressly exempted from the operation of this Ordinance, unless the same shall be commenced within three years from the time when such cause of action shall have accrued.

Claims in reconvention not to be allowed where action is barred.

12. NO claim in reconvention or by way of set off shall be allowed or maintainable in respect of any claim or demand after the right to sue in respect thereof shall be barred by any of the provisions hereinbefore contained.

No acknowledgment to take a case out of the operation of this Ordinance, unless in writing.

13. IN any of the forms of action referred to in Sections 6, 7, 8, 9, 11, and 12, of this Ordinance, no acknowledgment or promise by words only shall be deemed evidence of a new or continuing contract, whereby to take the case out of the operation of the enactments contained in the said sections, or any of them, or to deprive any party of the benefit thereof, unless such acknowledgment shall be made or contained by or in some writing to be signed by the party chargeable, or by some agent duly authorized to enter into such contract on his behalf; and that where there shall be two or more joint contractors, or heirs executors or administrators of any contractor, no such joint contractor, or heir, executor or administrator shall lose the benefit of the said enactments, or any of them, by reason of any written acknowledgment or promise made by any other or others of them. PROVIDED always that nothing herein contained shall alter or take away, or lessen the effect of any payment of any principal or interest made by any person whatsoever. PROVIDED also that in actions to be commenced against two or more such joint contractors or heirs, executors or administrators, if it shall appear at the trial or otherwise that the plaintiff, though barred by any of the provisions contained in the said sections as to one or more of such joint contractors, heirs, executors or administrators, shall nevertheless be entitled to recover against any other or others of the defendants, by virtue of a new acknowledgment or promise, or otherwise judgment may be given for the plaintiff as to such defendant or defendants against whom he shall recover, and for the other defendant or defendants against the plaintiff.

Proviso in case of disabilities, with reference to claims for land.

14. PROVIDED nevertheless, that if at the time when the right of any person to sue for the recovery of any immoveable property shall have first accrued, such person shall have been under any of the disabilities hereinafter mentioned, that is to say: infancy, idiotcy, unsoundness of mind, lunacy, or absence beyond the seas, then and so long as such disability shall continue, the possession of such immoveable property by any other person shall not be taken as giving such person any right or title to the said immoveable property, as against the person subject to such disability or those claiming under him, but the period of ten years required by the 3rd Section of this Ordinance shall commence to be reckoned from the death of such last named person, or from the termination of such disability, whichever first shall happen; but no further time shall be allowed in respect of the disabilities of any other person.

Proviso.

PROVIDED also, that the adverse and undisturbed possession for thirty years of any immoveable property by any person claiming the same, or by those under whom he claims, shall be taken as conclusive proof of title in manner provided by the 3rd Section of this Ordinance, notwithstanding the disability of any adverse claimant.

Proviso in case of disabilities affecting claims other than those for lands.

15. PROVIDED also, that if at the time when the right of action in respect of any of the causes referred to in Sections 6, 7, 8, 9, 11, and 12, of this Ordinance shall accrue, the person so entitled to sue shall be subject to any of the said hereinbefore mentioned disabilities, then the several periods of limitation hereinbefore provided shall not commence to run until the removal of such disability or the death of such person, whichever first shall happen; but no further time shall be allowed in respect of the disability of any other person.

Act not to affect Crown or causes Matrimonial.

16. NOTHING herein contained shall in any way affect the rights of the Crown, or shall be taken to apply to any proceedings in any action for divorce, or to any case in which special provision has been or may hereafter be made for regulating and determining the period within which actions may be commenced against any public officer or other person.

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No. 22.—1871.

17. THAT this Ordinance shall come into operation on the first day of January, 1872. Ordinance when to come into operation.

Passed in Council, the Twenty-second day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-third day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 23.—1871.

No. 23.—1871.

An Ordinance to consolidate and amend the Law relating to Stamp Duties.

Preamble.

WHEREAS it is expedient to consolidate and amend the Law relating to Stamp Duties: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Preliminary.

Commencement of Ordinance.

1. THIS Ordinance shall come into operation on the First day of January, 1872.

Short title.

2. THIS Ordinance may be cited for all purposes as "*The Stamp Ordinance*, 1871."

Repeal of former Ordinances.

3. THE Ordinance No. 11 of 1861, entitled "*An Ordinance to amend the Law relating to Stamp Duties*," the Ordinance No. 9 of 1865, entitled "*An Ordinance to amend the Stamp Ordinance*, 1861," and the Ordinance No. 8 of 1868, entitled "*An Ordinance relating to Stamp Duties*," are repealed; except in so far as they rescind other Ordinances or parts of Ordinances, and except as regards deeds, instruments or writings which shall have been made or executed, or been thereby declared valid, rights which shall have accrued, liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this Ordinance shall come into force.

Interpretation clause.

4. THE following words and expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:—

THE expression "Government Agent" shall include any Assistant Government Agent.

THE word "Commissioner" shall mean the Commissioner of Stamps.

"INSTRUMENT" shall mean and include every written document.

"PERSON" shall include Company, Corporation, and Society.

"WRITE," "written," and "writing," shall include every mode in which words or figures can be expressed upon material.

"PROPERTY" shall include moveable as well as immoveable property.

"BANK" shall include a Banking Corporation or Company.

General Provisions.

Duties specified in Schedule to be levied by adhesive stamps affixed to instruments.

5. THE several instruments mentioned and described in the Schedule hereunto annexed (except those standing under the head of exemptions, and as shall be hereafter excepted) shall be subject to the stamp duties set down in figures against the same, respectively, or otherwise specified and set forth in the said Schedule; and the said Schedule and every provision contained therein shall be deemed and taken to be part of this Ordinance, and shall be applied and put in execution accordingly; and such duties shall be denoted by adhesive stamps to be provided by the Commissioner

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for that purpose, and to be affixed to such instruments as hereinafter directed PROVIDED however, as follows :—

Provisos.

Special stamps may be provided for particular classes of instruments.

(1.) THAT it shall be lawful for the Governor, with the advice of the Executive Council, from time to time, to direct that special stamps, to be provided for the purpose, be used for particular instruments ; and, after notice to that effect published in the *Gazette*, it shall not be lawful for any person to use stamps other than the special stamps so provided, for the instruments for which they shall be so directed to be used.

Cheques drawn on forms supplied by a privileged Bank need not bear a stamp.

(2.) THAT it shall be lawful for the Governor, with the like advice, to authorize, by notice to be published in the *Gazette*, any Bank doing business in this Colony, to compound for the payment of duty on unstamped cheques, on the following conditions :—(1.) That the said cheques be drawn and issued on forms to be supplied by the said Bank ; (2.) That the said Bank do levy upon or charge to the person to whom such cheques are issued, the stamp duty mentioned in the Schedule to this Ordinance annexed ; (3.) That the said Bank do pay every half-year to the Commissioner the amount due and collected therein as duties on such unstamped cheques, less Five Rupees per centum to be allowed to such Bank as discount on the sum so due and collected as stamp duties ; and payment of the said dues shall be secured by Bond to be entered into by every such Bank as aforesaid, which Bond shall be substantially in the form, and with the conditions set forth, in the form to this Ordinance annexed. Cheques drawn and issued on forms so supplied by such Bank as aforesaid may be paid without bearing on them the stamp mentioned in the Schedule hereto annexed.

Stamps rendered useless by this Ordinance, may be exchanged.

6. IT shall be lawful for all persons having in their possession any stamps or stamped paper, or other material, expressed in pounds, shillings and pence, not made use of, and which by the operation of this Ordinance shall be rendered unfit for the instruments for which the same were originally designed, to send the same to the Stamp Office in Colombo, or to the nearest Kachchéri at any time within Twelve months from the date of this Ordinance coming into operation; and it shall be incumbent on the Commissioner or Government Agent to receive the same, and give in lieu thereof adhesive stamps expressed in rupees and cents, and the value of those given in exchange shall be equal to that of the old stamps returned, reckoning the rupee as the equivalent of two shillings, and the fractions thereof at the nearest equivalent in cents. PROVIDED that in order to obviate the inconvenience to holders of unfinished cheque books impressed with the old stamp of One Penny, it shall be lawful for the holder of any such cheque book to use the cheques therein at any time during Three months from the date of this Ordinance coming into operation.

Proviso as to cheques.

Possession of old stamps declared an offence.

7. AND whereas old stamps are commonly retained by persons in possession thereof for purposes of fraud, it is enacted that every person who shall have in his possession any unused paper or other material stamped under any former Regulation or Ordinance relating to stamp duties, shall be and he is hereby required to return the same, within Twelve months after this Ordinance shall have come into operation, to the nearest Government Agent, or Police Magistrate, whose duty it shall be to transmit the same to the Commissioner for the purpose of having the same destroyed. Any person who shall have in his possession any such paper or other material stamped as aforesaid, after the expiration of Twelve months from the date of this Ordinance, shall be deemed guilty of an offence, and, unless the Court before which he shall be tried shall find that he had no intent to defraud, shall be liable on conviction to a fine not exceeding One Thousand Rupees, and to imprisonment, with or without hard labour, for any term not exceeding one year. And if any person so convicted shall be a licensed Stamp Vendor or a Notary Public, it shall be lawful for the Governor, should he see fit to do so, to cancel the license or warrant authorizing him to act as such Stamp Vendor or Notary Public.

Punishment.

ther punishment in case the offender be a licensed Stamp Vendor or Notary Public.

Effect of a writing not duly stamped.

8. EXCEPT as otherwise provided by this Ordinance, no instrument executed in any part of this Island, or relating, wheresoever executed, to any property situate, or to any matter done or to be done, in any part of this Island, shall, except in criminal proceedings, be pleaded or given in evidence, or admitted to be good, useful, or available in law, unless it is duly stamped in accordance with the law in force at the time when it was first executed.

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9. AN instrument is not to be deemed duly stamped unless the affixed stamp be of not less than the proper amount of duty required by this Ordinance, and unless the person required by this Ordinance to cancel the adhesive stamp affixed to the instrument, cancel the same by writing or marking in ink, on or across the stamp, his name or initials, or the name or initials of his firm or principal, together with the true date of his so writing or marking, so that every stamp may be effectually cancelled and rendered incapable of being used for any other instrument. In all cases where special provision is not made in this Ordinance indicating the person who should cancel the stamp on any instrument, it shall be the duty of the person who shall first execute the instrument, or issue or deliver it out of his hands, custody or power, to cancel the same.

Stamps to be duly cancelled. Mode of cancellation.

Whose duty to cancel.

10. ALL writings in respect whereof stamp duty shall be payable, shall be written in such manner that some part thereof shall be either upon or as near as conveniently may be to the stamps affixed to the material whereon the same shall be written, upon pain that the person who shall write or cause to be written any such instrument, contrary to the true intent of this Section, shall for every such offence be liable to a penalty not exceeding Fifty Rupees.

The writing in an instrument shall be close to the stamp.

11. IT shall, be the duty of every officer in the service of Government, and of any Banker doing business in this Island, to see that no instrument liable to stamp duty is received or admitted, or registered or issued by him, unless it shall have been duly stamped as directed by this Ordinance, and to mark every stamp coming before him for the first time in the ordinary course of business, by cutting it with a prick, punch, cutter or nipper, in such way that such stamp cannot be again used, and as the Governor shall from time to time direct. PROVIDED that it shall not be necessary so to mark foreign bills of exchange drawn in but payable out of this Colony.

Every Government or Bank Official to see that instruments coming before them are stamped, and to mark same by cutting them.

Proviso.

12. IT shall, no longer, be necessary to annex to process, issued from a Court, a schedule on stamped paper in the form H. prescribed by Ordinance No. 4 of 1867, Section 16. Instead of such a schedule being annexed, adhesive stamps of the proper amount of fees and charges established under Section 14 of that Ordinance shall be affixed to each process, and such stamp shall be cancelled and pricked or punched by the proper officer of Court, in the manner prescribed by this Ordinance. It shall be lawful for the Governor, with the advice of the Executive Council, to appoint the manner in which the money amount of such fees and charges as may be due for and on account of process issued in the first instance unstamped, shall be recovered and brought to account as Revenue.

Fiscals' fees and charges for execution and service of process to be denoted by adhesive stamps.

Proviso, as to process issued unstamped in the first instance.

13. IT shall be the duty of every person signing as party, or any person issuing or delivering for any purpose, any instrument required by this Ordinance to be stamped, to see that the proper amount of stamp duty is affixed, and that the stamps affixed are distinctly cancelled before he signs, issues, or delivers such instrument. Every person signing as party, or issuing or delivering any instrument required by this Ordinance to be stamped, without the stamps thereon having been previously distinctly cancelled, shall be liable to a penalty of Two Hundred Rupees.

Parties signing or issuing any instrument to see stamp previously duly cancelled.

14. IT shall be the duty of every Notary Public who shall attest any instrument, to state in his attestation the amount of the stamp affixed to such instrument, and to cancel the stamps thereon as directed by this Ordinance. Every Notary Public who shall attest any document without so stating the amount of such stamp, or shall fail to cancel the stamps as directed by this Ordinance, shall be guilty of an offence, and be liable to a penalty not exceeding Two Hundred Rupees. But no omission of such statement on the part of such Notary shall affect the validity of such instrument.

Notaries to state amount of stamp affixed to documents attested by them, under a penalty of Two Hundred Rupees.

Omission of Notary not to invalidate document.

15. IN any case in which any person is entitled or required to demand, receive or obtain, from any public officer in the service of Her Majesty or of the Government of this Island, in virtue of his office, or in which any such public officer is required or authorized to issue to any person any instrument whatever which is required to bear a stamp, it shall be lawful for such public officer, and he is hereby required, to refuse to issue or grant to, and to withhold from such person, any such instrument, until the proper amount of stamp duty payable thereon shall first have been paid by such person in respect of such instrument, or until a stamp of the proper amount of duty shall have been supplied and delivered by him to such public officer.

No instrument requiring a stamp to be issued by any public officer, unless the duty is first paid.

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Duties on bills drawn out of this Colony.

16. THE duties imposed by this Ordinance in respect of bills of exchange drawn out of this Colony, shall attach and be payable upon all such bills as shall be paid or negotiated within this Colony, wheresoever the same may be payable, and the adhesive stamps shall be affixed to such bills as hereinafter directed.

Bills purporting to be drawn out of this Colony, deemed for the purposes of this Ordinance to be so drawn.

17. EVERY bill of exchange which purports to be drawn at any place out of this Colony, shall, for all the purposes of this Ordinance, be deemed to be a foreign bill of exchange drawn out of this Colony, and shall be chargeable with stamp duty accordingly, notwithstanding that in fact the same may have been drawn within this Colony.

The holder of a bill drawn out of this Colony to stamp it before negotiating it.

18. THE holder of any bill of exchange drawn out of this Colony, and not having a proper adhesive stamp affixed thereon, as herein directed, shall, before he shall present the same for payment, or in any manner negotiate such bill, affix thereon a proper adhesive stamp for denoting the duty chargeable thereto, and shall, before he shall deliver the same out of his hands, custody, or power, cancel the stamp so affixed in manner directed by this Ordinance.

Notes and bills issued by bankers liable to stamp duties and composition for the same.

19. ALL unstamped promissory notes and bills of exchange issued by any banker or banking corporation in this Colony under the Ordinance No. 2 of 1861, or any other Ordinance in force, enabling bankers to compound for the stamp duties payable on notes and bills issued by them, shall continue to be subject and liable to composition for the duties imposed by or payable under this or any other Ordinance in force.

Banker may affix stamp to draft, cheque or order.

20. WHERE any draft, cheque (except as provided in Section 5), or order for the payment of money by any banker, or person acting as a banker, shall come to the hands of such person unstamped, it shall be lawful for him to affix thereto the necessary stamp, and to cancel the same in manner as directed by this Ordinance, and upon so doing, to make the payment thereby directed, and to charge the duty in account against the person who ought to have paid the same, or to deduct such duty from the sum so directed to be paid; and such draft, cheque or order shall, so far as relates to the stamp duty chargeable thereon, be good and valid; but this shall not relieve any person from the liability to the penalty he may have incurred by issuing the said draft, cheque or order unstamped.

Drafts to bankers payable to order on demand sufficient authority for payment, without proof of indorsement.

21. ANY draft, cheque or order drawn upon a banker for a sum of money payable to order on demand, which shall, when presented for payment, purport to be indorsed by the person to whom the same shall be payable, shall be a sufficient authority to such banker to pay the amount of such draft, cheque or order to the bearer thereof; and it shall not be incumbent on such banker to prove that such indorsement, or any subsequent indorsement, was made by or under the direction or authority of the person to whom the said draft, cheque or order was or is made payable either by the drawer or any indorser thereof.

Stamp for receipt may be supplied by debtor.

22. IT shall be lawful for any person, or any agent of any person, from whom any sum of money shall be due or payable, or claimed to be due or payable, and who shall have paid such sum of money, to provide a stamp of the proper amount of duty, and to demand and require of the person entitled to such sum of money, or any agent to whom the same shall have been paid, a receipt, discharge or acquittance for such sum of money, and also the amount of the duty thereon as aforesaid; and if any person to whom any sum of money shall have been paid as aforesaid, shall refuse to give such receipt, discharge, or acquittance, upon demand thereof, or pay the amount of the duty as aforesaid, every such person shall forfeit and pay for every such offence the sum of Fifty Rupees.

When bills, drafts, or orders may be stamped after they have been given.

23. IN any case where it shall be fully and clearly made to appear to the satisfaction of the Commissioner, that any bill of exchange, draft, cheque (except as provided in Section 5), or order, or any promissory note, or any receipt given upon the payment of money, has been signed or issued without being duly stamped as herein directed, from urgent necessity or unavoidable circumstances, and without any intention on the part of parties thereto to evade the stamp duties imposed by law, and such bill, draft, cheque, order, note or receipt, shall not have been accepted or paid, and shall be brought to the Commissioner to be stamped within fourteen days from the date thereof, it shall be lawful for such Commissioner, on payment of the duty by law payable in respect of such instrument, and a further sum of Ten Rupees, to affix to such instrument a stamp of the proper amount of duty, and to cancel the same as

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directed by this Ordinance; and every such instrument so stamped as aforesaid shall have the like force and validity in law as if it had been duly stamped before the same was signed or issued.

24. THE following penalties are hereby imposed for any of the following acts:— Penalties.

(1.) IF any person shall present for payment, or shall pay or negotiate any bill of exchange purporting to be drawn at any place out of this Colony, or drawn out of this Colony, without the proper adhesive stamp being duly affixed thereon, or if any person who ought to cancel such stamp shall refuse or neglect so to do, he shall be guilty of an offence, and be liable to a fine not exceeding Two Hundred Rupees.

For not affixing proper stamp to foreign bills, or not cancelling the same.

(2.) IF any person shall within this Colony make, sign, or issue, or cause to be made, signed, or issued, any bill of exchange, draft, cheque (except as provided in Section 5), or order, or promissory note, for the payment of money, liable to any of the duties imposed by the Ordinance, without affixing stamps of the proper amount of duty to such instrument, and cancelling the same as directed by this Ordinance, and if any person shall accept or pay, or cause to be accepted or paid, any such instrument not duly stamped as aforesaid, he shall be guilty of an offence, and shall, for every such bill, draft, cheque, order, or note, be liable to a fine not exceeding Two Hundred Rupees.

For not affixing proper stamp to inland bills, or not cancelling the same.

(3.) IF any person who shall within this Colony draw and issue any bill of exchange payable out of this Colony, purporting to be drawn in a set, and shall not draw and issue, with the proper stamp affixed, and cancelled as directed by this Ordinance, the whole number of bills which such bill purports the set to consist of; or if any person who shall within this Colony transfer or negotiate any such bill of exchange as aforesaid, purporting to be drawn in a set, and shall not at the same time transfer or deliver the whole number of bills, duly stamped and cancelled as aforesaid, which such bill purports the set to consist of, every such person offending, in any such cases, shall be guilty of an offence, and be liable to a fine not exceeding Five Hundred Rupees.

For not drawing the whole number of a set of foreign bills.

Any person who shall take or receive in this Colony from any other person, either on payment or as a security, or by purchase or otherwise, any bill in this article specified, without having transferred or delivered to him, duly stamped and cancelled as aforesaid, the whole number of bills which such bill purports the set to consist of, and any person who shall take and receive, as aforesaid, any foreign or inland bill of exchange, draft, cheque (except as provided in Section 5), or order, in the first and second articles of this section specified, without the same being duly stamped and cancelled as aforesaid, shall not be entitled to recover thereon or to make the same available for any purpose whatsoever.

Person taking instruments contrary to the provisions of this and the two preceding articles, not entitled to recover thereon.

(4) IF any person shall make and issue, or cause to be made and issued, any bill of exchange, draft, cheque or order, or promissory note, for the payment of money at any time after date or sight, which shall bear date subsequent to the day on which it shall be issued, unless the same shall be duly stamped as a bill or note, such person shall, for every such bill, draft, cheque or order, forfeit any sum not exceeding Two Hundred Rupees; and any person knowingly taking or receiving any such post-dated bill, draft, cheque or order, or promissory note, shall not be entitled to recover any money thereon, or to set off the amount due thereon, or any part thereof, in account with any person or persons.

For post-dating bills of exchange.

Person taking the same not entitled to recover thereon.

(5.) IF any person shall make and issue, or cause to be made and issued, any bill, draft, cheque, or order for the payment of money to the bearer on demand, upon any banker or any person acting as a banker, which shall be dated on any day subsequent to the day on which it shall be issued, unless the said bill, draft, cheque, or order shall be duly stamped as a bill or note according to this Ordinance, such person shall, for every such bill, draft, cheque, or order, forfeit any sum not exceeding Two Hundred Rupees; and if any person shall knowingly receive or take

For post-dating drafts on Bankers.

For taking the same.

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any such bill, draft, cheque, or order, in payment of or as security for the sum therein mentioned, he shall, for every such bill, draft, cheque or order, forfeit any sum not exceeding Two Hundred Rupees; and if any banker, or any person acting as banker, upon whom any such bill, draft, cheque or order shall be drawn, shall pay or cause, or permit to be paid, the sum of money therein expressed, or any part thereof, knowing the same to be post-dated, such banker or person so offending shall, for every such bill, draft, cheque or order, be liable to forfeit the sum of One Thousand Rupees, and moreover shall not be allowed the money so paid, or any part thereof, in account against the said person by or for whom such bill, draft, cheque, or order shall be drawn, or his executors or administrators, or creditors or persons representing creditors, in case of bankruptcy or insolvency, or any other person or persons claiming under him or them.

On banker, for paying the same.

For committing frauds in the use of stamps, in regard to any instrument.

(6.) IF any person shall fraudulently remove, or cause to be removed, from any instrument, any stamp; or if any person shall affix any such stamp which shall have been so removed, to any other instrument chargeable with stamp duty, or to any paper or other material; or if any person shall sell, or offer for sale, or utter any stamp, or shall utter any instrument with any stamp thereon which shall have been so removed as aforesaid, knowing the stamps to have been so removed, as aforesaid, or shall practise, or be concerned in any fraudulent act, contrivance or device, not specially provided for, he shall, unless the Court or Jury before which he shall be tried shall, as respects the first case, find he had no intent that such stamp might be used again, and in the second case, that he had no intent or design to defraud Her Majesty, forfeit, over and above any other penalty to which he may be liable, the sum of One Thousand Rupees.

For writing receipts not duly stamped.

(7.) EVERY person who shall write or sign, or cause to be written or signed, any receipt, discharge, or acquittance given for or upon the payment of money, liable to stamp duty, upon any paper or other material, without the same being duly stamped as directed by this Ordinance, shall forfeit and pay any sum not exceeding Fifty Rupees, in case the sum paid, contained, or expressed in such receipt, discharge or acquittance shall not amount to the sum of One Thousand Rupees; or any sum not exceeding Two Hundred Rupees, in case such sum shall amount to One Thousand Rupees or upwards.

Consideration and value in Deeds and Instruments.

Consideration and value to be truly set forth in instruments.

25. IN all cases where a duty is imposed on any instrument in proportion to the consideration money, and in all cases where a duty is imposed on any instrument in proportion to the value of the property, the full consideration money which shall be directly or indirectly paid or secured, or agreed to be paid or secured for the same, or the full value of the property at the time of execution of such instrument, respectively (as the case may be), shall be truly expressed and set forth in words at length in or upon such instrument; and if in any of the said cases the full consideration money or the full value of the property (as the case may be) shall not be truly expressed and set forth, or if the true transaction between the parties be in any way concealed or misrepresented, in order to evade the stamp duties, the purchaser and also the seller, the mortgagee and also the mortgagor, the donee and also the donor, the transferee and also the transferor (as the case may be). shall each be liable to a fine not exceeding Five Hundred Rupees, and shall also be charged and chargeable with, and be each holden liable to, the payment of five times the amount of the excess of duty which would have been payable for such instrument as aforesaid in respect of the full consideration money or full value, in case the same had been truly expressed and set forth in or upon the instrument pursuant to the directions of this section, beyond the amount of the duty actually paid for the same; which quintuple duty shall be deemed and taken to be a debt to Her Majesty of the party or parties respectively hereby made liable to pay the same, and shall and may be sued for and recovered accordingly.

Parties informing to be indemnified.

26. PROVIDED that if any or either of the said parties shall give information to the Commissioner or to any Government Agent or to any Justice of the Peace, whereby such penalty or quintuple duty, or any part thereof, shall be recovered from

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any other party or parties liable thereto, the party giving the information shall not only be indemnified and discharged of such his liability, but shall also be rewarded out of the penalty or quintuple duty recovered, to such extent as the Governor shall think proper, but not exceeding one-half of the amount received and realized.

Purchaser may recover back so much of the consideration as is not stated.

27. AND where, in case of sale, the full consideration money shall not be truly expressed and set forth in the manner hereby directed, the purchaser or his heirs, executors, or administrators, or assignees, may recover back from the seller, or his heirs, executors, or administrators, or assignees, so much of the purchase or consideration money as shall not be expressed and set forth as aforesaid, or the whole thereof, if no part of the same shall be so expressed and set forth.

Penalties on Notaries and others for not inserting the true consideration or value.

28. AND if any Notary, or other persons who shall be employed in or about the preparing of any such instrument in or upon which the full consideration money or value is hereby required to be truly expressed and set forth as aforesaid, or who shall be employed for any of the parties thereto in any wise about or relating to the transaction therein mentioned, shall knowingly and wilfully insert or set forth, or cause to be inserted or set forth, in or upon any such instrument, any other than the full and true consideration money directly or indirectly paid or secured, or agreed to be paid or secured for the same, or the actual value of the same as before directed, or shall in any wise aid or assist in the doing thereof, respectively, every such Notary, or other person so offending, shall be liable to a fine for every such offence of One Thousand Rupees.

Probates and Letters of Administration.

Duty on probates how ascertained.

29. NO Court in this Island shall grant probate or letters of administration of the property and estate of any deceased person, without first requiring and receiving from the person or persons applying for the same, or from some other competent person or persons, an affidavit that the moveable and immoveable property and estate of the deceased in this Island, for or in respect of which probate or letters of administration are to be granted, exclusive of what the deceased shall have been possessed of or entitled to as a trustee, and not beneficially, and without deducting anything on account of the debts due and owing from the deceased (excepting debts due on mortgage or on Notarial bonds), are of the value of a certain sum, to be therein specified to the best of the deponent's knowledge, information, and belief, in order that the proper and full stamp duty may be paid by the person to whom such probate or letters of administration shall be granted. All stamps on probates and letters of administration shall be cancelled by the District Judge of the Court issuing such instrument, in the manner directed in this Ordinance.

Proceedings, if too great stamp duty has been paid on probate.

30. WHEN any person shall have estimated the property and estate of the deceased to be of greater value than the same shall afterwards prove to be, and shall, in consequence, have paid too high stamp duty on any such probate or letters of administration, if such person shall, within Six months after the true value of the property and estate shall have been ascertained, produce any such instrument to the Court which granted the same, and it shall be proved to the satisfaction of such Court, that a greater stamp duty has been paid than the law required, it shall be lawful for the Judge of such Court to write upon any such instrument the amount of stamp duty which was legally payable thereon; and upon production thereof at the Stamp Office, it shall be lawful for the Commissioner to repay the difference between the duty paid and that legally payable (after deducting the discount of five per centum on the difference) in money to the party producing such instrument, and to certify thereon that such has been repaid.

Proceedings, if too little stamp duty has been paid.

31. WHEN too little stamp duty shall have been paid on any such probate or letters of administration, in consequence of any mistake or misapprehension, or of its not being known at the time that some particular part of the property and estate belonged to the deceased, it shall be lawful for the Judge of the Court by which such instrument was granted, if the application to have the proper stamp affixed shall be made within Six months after the true value of the property and estate shall be ascertained, to transmit such instrument to the Stamp Office, in order that the proper stamp may be affixed, without requiring the applicant to pay the penalty payable under the provisions of this or any former Ordinance, for stamping deeds or other instruments which have not been stamped, or which have been insufficiently

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stamped; and the Commissioner shall thereupon, and upon receipt of the money to be paid thereon, or upon the said money being transmitted to him by some Government Agent, cause the proper stamp to be affixed to such instrument, and cancel the same himself in the manner directed in this Ordinance, and return the instrument to the Judge by whom it was transmitted to him.

Provision for stamping second or further probate or letters of administration.

32. In any case wherein any former probate of a will or letters of administration shall have been taken out, and the full amount of the duties payable thereon by any law then in force, according to the full value of such estate, shall have been duly paid and discharged, and wherein any further or other probate or letters of administration shall at any time thereafter be applied for in respect of such estate, it shall be lawful for the Commissioner, upon the production of an unstamped probate or letters of administration, with the certificate of the District Judge having jurisdiction in respect of such estate endorsed thereon, to the effect that such further probate or letters of administration has become necessary, to cause a stamp according to the value of the estate to be affixed to the probate or letters of administration produced to him, without making any charge therefor. And the Commissioner shall cancel the said stamp in the manner directed in this Ordinance, and write the word "Duplicate" on the instrument, and affix his signature thereto. And such instrument shall be as available in law, and of like value and effect in all respects whatever, as the probate or letters of administration originally issued by the Court.

Stamp duty to be allowed where will or letters proved, and duty paid more than once.

33. WHERE proof is adduced to the satisfaction of the District Judge having jurisdiction in respect of the estate, that any will has, owing to inadvertence or mistake, or any other cause, been proved, or that any letters of administration have been taken out on the same property in more than one Court in the Colony, or more than once in any such Court, or that letters of administration have been taken in such Court, in ignorance of the existence of a will, requiring probate thereof, and that, by reason thereof, more than one stamp duty has been paid thereupon, the District Judge shall certify thereto, and the Commissioner may, on the production of such certificate and, if need be, upon delivery to him of the useless probate or letters of administration, to be cancelled, and on production of the valid probate or letters of administration, cancel such useless probate or letters of administration, and pay the value of the stamp less five per centum thereon.

Penalty for not getting proper stamp affixed to probate.

34. WHERE too little duty shall have been paid, as in the 31st Section mentioned, if any executor or administrator acting under such probate or letters of administration, shall not, within six months after the discovery of the mistake or misapprehension, or of any property or estate not known at the time to have belonged to the deceased, apply to the proper Court for the purpose of having the proper stamp affixed, he shall, in addition to the payment of the penalty imposed by the 36th Section of this Ordinance on the stamping of any unstamped or insufficiently stamped instrument, incur and be liable to a further penalty of Two Hundred Rupees; and the Judge of the said Court shall not transmit such instrument to the Stamp Office, to have the proper stamp affixed, until the said several penalties have been paid into Court, nor shall the Commissioner cause the proper stamp to be affixed thereon, unless a certificate shall be produced to him under the hand of such Judge, that the said penalties have been paid. But, upon the production of such certificate, and upon receipt of the stamp duty to be paid on such probate or letters of administration, or upon the transmission to him by some Government Agent of the stamp duty to be paid thereon, the Commissioner shall cause the proper stamp to be affixed to such instrument, and cancel the same in the manner directed by this Ordinance, and return the instrument to the Judge by whom it was transmitted to him.

Duty may be returned on account of debts, if claimed within three years.

35. PROVIDED that where it shall be proved to the satisfaction of the District Judge having jurisdiction in respect of the estate, that an executor has paid debts, of whatever nature, due and owing from the deceased, other than the debts deducted from the estate under the 29th Section of this Ordinance, such debts so paid being payable by law from the estate of the deceased, and amounting to such a sum as, being deducted from the value of the estate for or in respect of which the probate duty or duty on letters of administration shall have been assessed, shall reduce the duty to a less sum than was actually paid, and the District Judge shall certify thereto, the Commissioner may, on production of such certificate, and he is required to return the difference (deducting discount of five per centum thereon), provided the

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said difference be claimed within Three years after the date of the probate or letters of administration, or the recording of the inventory; but where, by reason of any legal proceeding, the debts shall not have been ascertained and paid, or the effects shall not have been recovered and made available, and, in consequence, the executor or administrator shall be prevented from claiming such return within three years, the Commissioner may allow such further time for making the claim as may appear to him to be reasonable.

Instruments not duly stamped may be re-stamped.

Terms and conditions on which instruments may be stamped after the signing thereof.

36. WHERE any instrument liable by law to any stamp duty, shall be signed or executed by any person without its being duly stamped, and special provision to meet such case is not made in this Ordinance, then and in every such case the parties to such instrument, and the Notary Public, if any, by whom the same shall have been attested, shall be guilty of an offence, and shall each be liable to a fine of One Hundred Rupees. And the Commissioner is hereby required, upon payment of the said duty or deficiency of duty, and of the said sum of One Hundred Rupees, or such reduced sum by way of penalty as he may see fit, with the sanction of the Governor, to demand, to affix to the said instrument a stamp of the proper amount of such duty or deficiency of duty, and to cancel the said stamps in the manner directed by this Ordinance: and every such instrument so stamped as aforesaid shall have the like force and validity in law as if it had been duly stamped when the same was executed. PROVIDED always, that where it shall appear to the Commissioner, upon oath or otherwise, to his satisfaction, that any instrument hath not been duly stamped previously to being signed or executed, by reason of accident, mistake, inadvertency, or urgent necessity, and without any wilful design or intention to defraud Her Majesty of the duty chargeable in respect thereof, or to evade or delay the payment of such duty, then and in every such case, if such instrument shall be brought or sent to the Commissioner to be stamped within twelve months after the first signing or executing the same by any person, and the stamp duty chargeable thereon by law shall be paid, it shall be lawful for such Commissioner, with the previous sanction and under the authority of the Governor, to remit the whole or any part of the penalty payable on stamping such instrument, and to cause such instrument to be duly stamped in manner above mentioned, upon payment of the whole or, as the case may be, the deficiency of the stamp duty chargeable thereon by law, and either with or without any portion of the said penalty: PROVIDED also, that nothing herein contained shall extend, or be deemed or construed to extend to any deed or instrument, for the stamping of which, after the signing or execution thereof, provision is specially made; or to any deed or instrument, the stamping of which, after the signing or execution thereof, is expressly prohibited or restricted by any such law as aforesaid; or to repeal, alter, or affect any such provision, prohibition, or restriction.

Commissioner may remit penalty on stamping certain instruments within twelve months after the signing thereof.

Not to extend to instruments for the stamping of which, after the signing thereof, special provision is made, or to cases where the stamping is prohibited by law.

Instrument may be sent to the Government Agent to be stamped.

37. WHERE in any case it shall be inconvenient to any person to take or send any instrument to the Commissioner to be stamped under any of the provisions of this Ordinance, or to remit to the Commissioner the amount of the stamp duty, and of any penalty to which he may be liable, it shall be lawful for any such person to bring or send the said instrument to the nearest Government Agent, and to pay to him the amount of such duty and penalty. And the said Government Agent shall thereupon transmit such instrument, together with such sum or sums of money, to the Commissioner, who shall thereupon cause the said instrument to be duly stamped as directed by this Ordinance; and the instrument shall thereafter be returned by such Commissioner to the said Government Agent, to be delivered to the party from whom the same was received.

Stamping of Pleadings and Instruments tendered in any cause.

Stamps may be annexed to pleadings and instruments tendered in a cause and not duly stamped.

38. IF any pleading or other instrument specified in Part II. of the Schedule hereto annexed, tendered in any cause, shall not bear the proper amount of stamp duty, it shall be lawful for the District Judge, should he see fit to do so, to allow the stamps necessary to supply the deficiency, and to cause a further stamp not exceeding one rupee in value to be affixed to each pleading or instrument so not duly stamped, and to cause the stamps to be duly cancelled, and to proceed on with the case as if the pleadings and instruments had all been properly stamped.

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Provision for stamping instruments at the trial.

39. UPON the production, as evidence, at the trial of any cause, of any instrument liable to stamp duty, which is unstamped or not duly stamped, the officer of the Court whose duty it is to read such instrument, shall call the attention of the Judge to any omission or insufficiency of the stamp, if the same has not been already noticed by the Judge; and the instrument, if unstamped or not duly stamped, shall not (except as hereinafter provided) be received in evidence until (if the instrument is one which may legally be stamped after the execution thereof) the whole or (as the case may be) the deficiency of the stamp duty, and the penalty required by this Ordinance, together with the additional penalty of Five Rupees, shall have been paid into Court.

On payment into Court of duty and penalty, instrument to be received in evidence.

40. UPON payment into Court of the whole or (as the case may be) of the deficiency of the stamp duty payable upon or in respect of such instrument, and of the penalty required by this Ordinance, and of the additional penalty of Five Rupees as above provided, the proper officer of the Court shall give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalties; and thereupon such instrument shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment, and of the amount thereof, shall be made in the record of such cause; and a Return shall be made by the Court at the end of every month, to the Commissioner, of the monies, if any, so paid into Court by way of duty or penalty, distinguishing between such monies, and stating the number of the cause, and the names of the parties thereto, and from whom such monies were received, and the date, if any, and description of the instrument, for the purpose of identifying the same: and the said Commissioner shall, upon request and upon production of the receipt hereinbefore mentioned, affix to such instrument the proper stamp, and cancel it in manner directed by this Ordinance.

Proviso.

PROVIDED that the aforesaid enactment shall not extend to any instrument which cannot be stamped after the execution thereof.

In certain cases Judge may allow time to party to pay duty and penalties.

41. PROVIDED always, that it shall be lawful for the Judge, in his discretion, to allow a party tendering any unstamped or not duly stamped instrument in evidence (if such instrument may be stamped after the execution thereof, on payment of the duty and a penalty), in any case in which it shall appear to the Judge that such party was previously ignorant of the objection to the reception in evidence of the instrument, on the ground that the same is not stamped or not duly stamped, and that such party is unable forthwith to pay into Court the amount of the duty or deficiency of duty, and the penalties aforesaid, such time, not exceeding seven days, as the Judge shall deem reasonable for the payment into Court of such duty or deficiency of duty, and penalties as aforesaid, on the undertaking of the party to pay the same at the appointed time.

Proceedings thereupon.

And thereupon the Court shall allow the trial of the cause to proceed, and such instrument to be put in evidence, saving all just exceptions on other grounds, but shall suspend the judgment therein for the time allowed for making such payment; and if payment is then made, the receipt mentioned in the preceding section shall be given, and such further proceedings had as are therein specified; but if such payment be not then made, the Court shall strike out the evidence relating to such instrument, and give judgment in the cause irrespective of such instrument, and shall cause the amount which such party has undertaken to pay into Court as aforesaid, to be forthwith levied by process of parate execution against his property and person—such process to be free of stamp duty.

Removal of doubts as to the sufficiency of Stamps.

Party desirous to remove doubts may apply to Commissioner to declare the duty to which any instrument is liable.

42. ANY party to an instrument, not being one already tendered in any cause, other than the probate of a will or letters of administration, desirous to remove doubts as to whether such instrument is liable to stamp duty, or, if liable, to what extent, may, before or after the execution of such instrument, and whether the same be previously stamped or not, apply in writing to the Commissioner to declare his opinion thereon. It shall then be lawful for the Commissioner, and he is hereby required, to declare in writing whether the instrument be liable to stamp duty, or not, and, if liable, to assess the duty, and the amount of the penalty, if any, to which such party is liable.

Appeals to Supreme Court.

43. IF the party making the application shall be dissatisfied with the determination of the Commissioner, he may appeal against the same to the Supreme Court, within ten days after the same shall be made known to him; and, upon the application of the said party (due notice thereof being given to the Queen's Advocate, to the end

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that he may be heard on behalf of Her Majesty), it shall be lawful for the said Court, and it is hereby required summarily to hear and determine the said appeal; and the decision of the Supreme Court shall be final. The said Court shall make such order as to costs as it shall deem just.

Stamp may be affixed, and endorsement made, which will remove all doubts.

44. IF there be no appeal from the determination of the Commissioner, or if an appeal be taken, and the same be adjudicated upon, the party may tender to the Commissioner the sum of Five Rupees, and the amount, if any, of the duty and penalty which he is liable to pay in respect of the instrument, credit being given him for the stamp, if any, already affixed to such instrument. Upon receiving the same, the Commissioner may, and he is hereby required, if the instrument has already been executed, to affix thereto a stamp of the deficient amount of duty, and to cancel the same in manner directed by this Ordinance, and further, to write words indicating that the stamp duty has been finally settled, or that no stamp duty is required, as the case may be, on a prominent part of the instrument, and to affix his signature thereto. It shall be the duty of such party to exhibit the instrument so stamped to the Registrar of Lands, if duplicates of such instruments are filed in his office, in order that a record of the fact may by such Registrar be endorsed on the duplicates. Every such instrument so stamped as aforesaid shall be deemed to have been duly stamped, and shall be receivable as evidence in all Courts, notwithstanding any objection made to the same as being insufficiently stamped.

Commissioner, before assessing the duty upon any instrument, may require proof that the facts upon which the duty depends are truly stated.

45. IN any case where application is made to the Commissioner as aforesaid, it shall be lawful for him to require such evidence as he may deem necessary, in order to shew to his satisfaction whether or not the consideration or value, or any other matter or thing, upon the full and proper statement of which the stamp duty payable thereon shall in any measure depend, is truly and fully set forth therein. The Commissioner may also, when necessary, direct an appraisement of property to be made, to ascertain its value, and determine the amount to be paid for the appraisement by the party in respect of whose application such appraisement is deemed necessary. The said Commissioner may in any case refuse to cause any such instrument, or any duplicate, respectively, to be stamped and endorsed as aforesaid, except on payment of the full stamp duty which would be chargeable on such instrument, if all or any of such matters and things aforesaid had been truly set forth therein.

The evidence not to be used for any other purpose.

46. PROVIDED that no such evidence shall be used against any person giving the same, in any proceeding whatever, except only in any inquiry as to the stamp duty with which such instrument is chargeable; and every such person shall, upon payment of such full stamp duty as aforesaid, be relieved from any penalty, forfeiture, or liability he may have incurred by reason of the omission to state truly in such instrument any of the facts, matters, and things aforesaid.

Licensed Dealers in Stamps.

Commissioner may license persons to deal in stamps.

47. IT shall be lawful for the Commissioner, with the sanction of the Governor, to grant licenses to all persons, except Notaries, applying for the same, whom he in his discretion shall think fit and proper for the purpose, to vend and deal in stamps, at any place or places in this Island where such vendors appear to him to be required. Every such license shall be subject to annual renewal, and each annual license shall bear a stamp of Five Rupees: PROVIDED that it shall be lawful for the Commissioner, with the sanction of the Governor, to grant or refuse such renewal. PROVIDED that every person to whom any such license shall be granted, shall enter into a bond to Her Majesty in a penal sum of One Thousand Rupees, conditioned that such licensed person shall not sell or offer for sale or exchange, or keep, or have in his possession, for the purpose of sale or exchange, any stamp or stamps other than such as he shall have purchased or procured at the office for stamps in Colombo, or from some Government officer specially authorized for that purpose, or from some person licensed to deal in stamps, under the authority of this Ordinance, and that he shall keep such entries and accounts of the stamps sold by him, and observe such conditions, and forward to the Commissioner such returns as he shall, from time to time, prescribe. PROVIDED that one license and one bond only shall be required for any number of persons in co-partnership. And it shall be lawful for the said Commissioner, whenever he shall think fit, by notice in writing signed by him, to revoke and make void any such license as aforesaid.

Persons licensed to enter into bond.

Condition thereof.

License may be revoked.

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Particulars to be specified in licenses.

48. IN every license to vend or deal in stamps there shall be truly specified the proper name and place of abode of the person to whom the same shall be granted, and a true description of the house or shop at which he shall by such license be authorized to vend or deal in stamps; and such person shall not be thereby authorized or entitled to vend or deal in stamps, at any other house, shop or place, than such as shall be specified and described in such license.

No person to deal in stamps without such licenses.

49. NO person, other than such Commissioner or Government officer as aforesaid, shall vend or deal in stamps in any part of this Island, without having duly obtained from the Commissioner a license for that purpose, which shall be in force and unrevoked at the time of such vending or dealing; and if any person, other than such Commissioner or Government officer as aforesaid, shall sell or offer for sale any stamp denoting or purporting to denote any stamp duty, or shall exchange any such stamp for any other stamp or for any other article or thing, without having duly obtained and having in force such license as aforesaid, authorizing him in that behalf, or at any house, shop or place not specified and described in any such license as aforesaid granted to him, he shall for every such offence forfeit the sum of One Hundred Rupees.

As to persons employed to write instruments liable to stamp duty.

50. PROVIDED that it shall be lawful for any person employed to prepare or write any instrument liable to stamp duty, to charge his employer with the amount of the stamp or stamps affixed to the paper or other material upon which such instrument shall be written, without having obtained any such license as aforesaid to vend or deal in stamps.

Stamp vendors to mark stamped paper sold by them.

51. EVERY person authorized to vend or deal in stamps, shall be bound and required, at the time of the sale of any stamps, and before delivery thereof to the purchaser, to mark the stamps at the bottom thereof with the name, or the initial letters of the name of such stamp vendor, and with the date of sale. But nothing herein contained shall be deemed to apply to receipt or postage stamps. Every vendor failing to comply with the provisions of this section, or acting contrary thereto, shall be deemed guilty of an offence, and be liable to such punishment as a District Court shall be empowered to inflict.

Discount allowed to licensed dealers in stamps.

Commissioner may make rules.

52. A DISCOUNT shall be allowed to such licensed dealer, on the purchase of any stamp at the Stamp Office in Colombo, or from any Government Agent or any Government officer authorized as aforesaid, after the rate of Five Rupees *per centum*, on the prompt payment of any sum amounting to Two Hundred Rupees or upwards, and (in any case in which the Governor shall in his discretion think fit to authorize the same) after the rate of Two and a half Rupees *per centum* on the prompt payment of any sum amounting to One Hundred Rupees and under Two Hundred Rupees. PROVIDED that it shall be lawful for the Commissioner to prescribe rules from time to time, as to the times of issue and the quantities of each description of stamps to be issued to vendors at any one time.

Licensed dealers in stamps to paint their names, &c., in front of their houses or shops.

Penalty.

Proviso as to partners

53. EVERY person who shall be licensed under the authority of this Ordinance to deal in stamps, shall cause to be painted in capital letters, one inch at least in height, and of a proper and proportionate breadth, on some conspicuous place on the outside of the front of the house or shop at which he shall be licensed to deal in stamps, and so that the same shall be at all times distinctly legible, the full name of such licensed person, together with the words "Licensed to deal in Stamps," and words of similar import in the Singhalese and Tamil languages; and such person shall continue such name and words so painted during all the time that he shall continue licensed; and if any person so licensed shall neglect or omit to continue the same so painted, he shall be deemed guilty of an offence, and be liable to a fine not exceeding One Hundred Rupees. PROVIDED that in the case of several persons licensed as aforesaid in co-partnership, it shall be sufficient if the name of one only of such persons, or of the firm, be painted in manner aforesaid.

Penalty on unlicensed persons holding themselves out as dealers in stamps.

54. IF any person shall write, paint or mark, or shall cause or procure to be written, painted, or marked, or shall permit, or suffer to continue written, painted or marked, upon any part of his house, shop, or premises, either in the inside or on the outside thereof, or upon any board, or any material whatever exposed to public view, and whether the same shall or shall not be so affixed to such house, shop, or premises, any word or words which shall import or signify, or be intended to import or signify,

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that such person is a vendor of or dealer in stamps, such person not being licensed to deal in stamps, and not being the Commissioner of Stamps, or Government officer as aforesaid, he shall forfeit One Hundred Rupees for every day such offence shall be committed or continued.

Allowance to be made for stamps in the possession of licensed vendors dying, or becoming insolvent, or whose licenses are revoked.

55. IF any person licensed to vend or deal in stamps shall die, or become insolvent, or if the license of any person to vend or deal in stamps shall expire or be revoked, and any such person, at the time of his death, or insolvency, or at the expiration or revocation of any such license, shall have in his possession any quantity of stamps, it shall be lawful for such person, or his heirs, executors, or administrators, or assignees, within Three months after the expiration or revocation of such license. or next after death, or insolvency, as the case may be, to bring or send such stamps to the office for stamps in Colombo; and it shall be lawful for the Commissioner to receive the same, and to pay to the person bringing or sending the same the amount of the stamp duty thereon, deducting therefrom such per-centage as is allowed by this Ordinance on the purchase of stamps of the like description from the said Commissioner. PROVIDED that the person who shall bring or send such stamps to the said office, shall satisfy the Commissioner, that such stamps were actually in the possession of the person so dying, or becoming insolvent, or having had such license which had so expired or had been so revoked, for the purpose of sale, at the time when such person so died, or became insolvent, or when the said license expired or was revoked; and that such stamps were purchased or procured by the person to whom such license shall have been granted, at the head office for stamps in Colombo, or from some Government officer or person licensed to deal in stamps as aforesaid.

Commissioner of Stamps empowered to grant warrants to search and inspect the stocks of stamps of licensed dealers.

56. UPON information given to the Commissioner or a District Judge, upon the oath of one or more credible person or persons, that there is reasonable cause to suspect that any person licensed to vend and deal in stamps hath in his possession any forged or counterfeit stamp or stamps, it shall be lawful for the said Commissioner or District Judge, by warrant under his hand, to authorize any person, and such person is hereby fully authorized accordingly, with the assistance, if required, of any Constable or other Peace Officer, to enter, between the hours of six in the morning and six in the evening, into any building or place, and, if need be, to break open the same, and to search for and to seize, and to take into his possession, all such stamps as shall be in any such place as aforesaid; and all Constables and other Peace Officers are hereby required, upon the request of any person or persons acting under such warrant, to aid and assist him or them in the execution thereof; and if any Constable or other Peace Officer shall, upon any such request as aforesaid, refuse or neglect to be aiding and assisting in the execution of any such warrant as aforesaid, or if any person shall refuse to permit any such search or seizure as aforesaid to be made, or shall assault, oppose, molest or obstruct any person employed or acting in the execution or under the authority of any such warrant, or aiding or assisting in the execution thereof, every such Constable, Peace Officer, or other person so offending in any of the cases aforesaid, shall be liable to a fine not exceeding Two Hundred Rupees. PROVIDED that any person who shall execute any such warrant, shall, if required, give to the person in whose custody or possession any stamps shall be found and seized, an acknowledgment of the number, particulars and amount of the stamps so seized, and shall permit such last mentioned person, or any person employed by him, to mark the same before the removal thereof.

Power of entry.

Penalty for refusing to aid, &c., in the execution of such warrants, or assaulting persons employed in the execution thereof.

Proviso.—Acknowledgment to be given for stamps seized.

Other Penal Provisions.

Penalties on persons hawking stamps.

57. IF any person, whether he shall be licensed to vend or deal in stamps or not, shall hawk or carry about for sale or exchange any stamps, or if any person shall utter or offer for sale or exchange at any house, shop, or place other than the house or shop in which he shall reside, or carry on his trade or business, any such stamps, every such person shall be liable to a fine of Fifty Rupees, over and above any penalty to which he may be liable for vending or dealing in stamps without being licensed so to do; and it shall moreover be lawful for any person, without any other warrant than this Ordinance for that purpose, to apprehend any person so offending, and to cause him to be taken before any Police Magistrate having jurisdiction where the offence shall be committed, who shall hear and determine the matter; and all stamps which shall be found in possession of such offender, shall be forfeited to Her Majesty, and shall be taken possession of by such Magistrate, and be delivered over to the Commissioner to be disposed of in such manner as he shall think fit.

Hawkers of stamps may be apprehended and taken before Police Magistrate.

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Penalty for perjury.

58. IF any person making any such affidavit as is directed or required by this Ordinance, shall knowingly and wilfully make a false oath of or concerning any of the matters to be therein specified and set forth, he shall be deemed guilty of perjury, and may be prosecuted and punished for such.

Penalties for the following offences:—

59. IF any person shall do or cause to be done, or knowingly aid, abet or assist in doing any of the following acts, he shall be deemed guilty of an offence, and, on conviction thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding Five years nor less than Two years:—

Forging die, &c.

(1.) FORGING or counterfeiting any die or stamp, for the purpose of denoting or testifying the payment of any stamp duty, or any part thereof.

Forging stamp, &c., or the name or initials of the Commissioner or any Stamp Vendor.

(2.) FORGING, counterfeiting or imitating such stamp, or any part of such stamp, or the name, or initial letters of the name of the said Commissioner or of any person authorized to vend or deal in stamps, upon any paper or other material whatever.

Having in possession a forged stamp.

(3.) KNOWINGLY, and without lawful excuse (the proof whereof shall lie on the person accused), having in his possession any false, forged or counterfeit adhesive stamp or die, or other instrument, for the purpose of forging such stamps, or part of any such stamp, resembling or intended to resemble, either wholly or in part, any stamp which hath been or shall or may be provided, made or used as aforesaid under the authority of this or of any other Ordinance to be hereafter enacted for that purpose.

Using, selling, or having in possession paper with the impression of a forged die, &c.

Or with a forged stamp or name.

(4.) USING, uttering, selling, or exposing to sale, or causing or procuring to be used, uttered, sold, or exposed to sale, or knowingly, and without lawful excuse (the proof whereof shall lie on the person accused), having in his possession any paper or other material having thereon the impression, or any part of the impression of any false, forged or counterfeit die or other instrument, or part of any die or other instrument, or having thereon any false, forged or counterfeit stamp, mark, impression or writing, resembling or representing, either wholly or in part, or intended or liable to pass or be mistaken for the stamp, mark or impression of any die or other instrument provided, made and used under the authority of this or any other Ordinance, or for the name or the initial letters of the name of such Commissioner, or of any person authorized to vend or deal in stamps, knowing such false, forged or counterfeit stamp, mark, impression or writing to be false, forged, or counterfeit.

Fraudulently using a genuine die.

(5.) USING, privately or fraudulently, with intent to defraud Her Majesty, any die or other instrument so provided, made or used, or hereafter to be provided, made or used as aforesaid, or stamping or marking, privately or fraudulently, with such intent, any paper or other material whatever, with any such die or other instrument as last aforesaid.

Having in possession paper fraudulently stamped.

(6.) KNOWINGLY, and without lawful excuse (the proof whereof shall lie on the person accused), having in his possession any paper or other material so privately or fraudulently stamped or marked as aforesaid.

Receiving monies for stamp duties, and misappropriating the same.

(7.) RECEIVING any sum of money as and for the stamp duty upon or in respect of any deed, instrument, or transaction, or intended deed, instrument or transaction, and improperly neglecting or omitting to appropriate such sum of money to the due payment of such duty, or by or under any means or pretence whatsoever, otherwise improperly withholding or detaining the same.

Miscellaneous.

Spoiled stamps, allowance for.

60. ALL persons who shall have in their possession any stamp written upon, and inadvertently and undesignedly spoiled, or by any means rendered unfit for the purpose intended, and which shall not have been used for any other purpose, or which shall have been used for any instrument not fully written, or not signed by

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any party, or any stamped bills of exchange or promissory notes which have been signed on behalf of the drawers, but which have not been delivered out of their hands to the payees therein named, or any person on their behalf, or been deposited with any person as a security, or been in any way negotiated, and which bills of exchange have not been accepted or tendered for acceptance, may, within two months after the date of such instrument, or after the writing or signing of the same, if it bears no date, bring or send such stamp, bill of exchange, or promissory note, to the Stamp Office in Colombo; and if it shall appear to the Commissioner that the stamp has been spoiled or rendered useless before the instrument for which it was used was executed or signed, or before any such bill of exchange or promissory note was made use of in any such manner as aforesaid, and if all such grounds of relief as are hereinbefore mentioned are likewise fully proved by affidavit, to the satisfaction of such Commissioner, then and in any such case it shall be lawful for the said Commissioner to receive back such spoiled stamps, and to give other stamps of the like amount and description in lieu thereof.

Commissioner authorized to refund in money the amount of stamps spoiled or rendered useless.

61. IN any case in which the Commissioner is authorized to receive back stamps spoiled or rendered useless, or unfit for the purpose intended, and to make allowance for the same by giving other stamps in lieu thereof, it shall be lawful for the said Commissioner, with the previous sanction, and under the authority of the Governor, instead of giving stamps, to refund and repay to the party entitled to such allowance the amount thereof in money, deducting therefrom such per-centage as is allowed by this Ordinance on the purchase of stamps of the same description as those in respect of which such allowance shall be made; and it shall also be lawful for the said Commissioner, with the like sanction and authority, to refund and repay to any person possessing any stamp which shall not have been spoiled or rendered useless, or unfit for the purpose intended, but for which such person shall have no immediate use or occasion, the amount or value of such stamp in money, deducting therefrom such per-centage as aforesaid, upon his delivering up such stamp to the said Commissioner, and proving to his satisfaction that the same was purchased by him with a *bonâ fide* intent to use the same, and that he has paid the full amount or value described by such stamp, without any deduction, save and except only the amount of such per-centage, as aforesaid, and further, that such stamp was so purchased within the period of Three months next preceding.

Parate execution to issue, to recover stamps due from paupers who have succeeded in the suit.

62. IT shall be the duty of the Secretary of every District Court to render to the District Judge, on the first Monday of each month, a statement shewing what stamps should have been used by any party allowed to prosecute, or to defend, or to intervene in any suit *in formâ pauperis*, if he had not been so allowed, and who, having recovered judgment in such suit for his costs, has nevertheless failed either to repay the amount due for such stamps or to take the necessary steps under his judgment for the recovery thereof from the losing party. It shall thereupon be the duty of the Judge to enforce payment of the amount due on account of such stamps; by process (free of stamp duty) of parate execution against the property and person of the party against whom judgment was given, or the party allowed to sue, defend or intervene *in formâ pauperis*, or both.

Duty of Court officers in respect thereof.

Also where the suit has not been duly prosecuted.

63. THE like statement shall be rendered and like proceedings taken against the party who has obtained leave to sue *in formâ pauperis*, but who has not duly prosecuted his suit to judgment within a reasonable time or repaid the amount due on account of stamps.

Informer's share of fines.

64. IT shall be lawful for the Court to decree any portion of fine actually recovered and realized under the provisions of this Ordinance, not exceeding one half, to the informer, if it shall see fit so to do.

This Ordinance not to affect instruments required by other Ordinances to be stamped.

65. NOTHING herein contained shall be held to affect instruments required to be stamped or instruments exempted from stamp duty according to other Ordinances now in force, the provisions in which are not hereby expressly repealed or altered.

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SCHEDULE TO WHICH THIS ORDINANCE REFERS.

PART I.

Containing the duties on instruments of conveyance, contract, obligation and security for money, on deeds in general, and on other instruments, matters and things, not falling under any of the following heads.

PART II.

Containing the duties on Law proceedings, and in the Supreme Court, District Courts, and Courts of Requests, respectively.

PART III.

Containing the duties in Testamentary proceedings, on Probates of Wills, and Letters of Administration.

PART I.

	Duty. Rs.	Cts.
AFFIDAVIT or affirmation not made for the immediate purpose of being filed, read or used in any Court of Justice in this Island	1	0

Exemptions from the preceding and all other Stamp Duties.

Affidavits or affirmations required or authorized by law to be made in criminal matters: affidavits or affirmations on the assumption of any office under Government, or for the verification of any public accounts, or to be made pursuant to this Ordinance in regard to exchange of spoiled stamps.

AGREEMENT or contract or any minute or memorandum of an agreement made in this Island (and not otherwise charged nor expressly exempted from all stamp duty), whether the same shall be only evidence of a contract, or obligatory upon the parties, from its being a written instrument, where the matter thereof shall be of value

Over Rupees,	and	Not over Rupees		Duty Rs.	Cts.
0	...	50	...	0	15
50	...	100	...	0	25
100	...	200	...	0	50
200	...	300	...	0	75
300	...	400	...	1	00
400	...	500	...	1	25
500	...	800	...	2	00
800	...	1000	..	2	50
Every further 500 or part thereof				1	25

	Rs.	Cts.
Where the value of the agreement, or of such minute or memorandum does not appear on the face thereof, such instrument shall bear a stamp of	2	50
Provided always, that where divers letters shall be offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be duly stamped with a duty of	2	50

Exemptions from the preceding and all other Stamp Duties.

Agreement or covenant secured by a mortgage contained in the same instrument therewith, such instrument being duly stamped as a mortgage.

Memorandum or agreement for the hire of any labourer, artificer, manufacturer or menial servant.

Memorandum, letters or agreement for or relating to the sale of any goods, wares or merchandise.

Memorandum, letters or agreement made with any common carrier or other person, for the carriage of goods, wares or merchandise in this Island.

Conditions of sale of any property sold by auction.

Letters containing any agreement (not before exempted) in respect of any merchandise or evidence of such an agreement which shall pass by the post between merchants or other persons carrying on trade or commerce in this Island, and residing and actually being at the time of sending such letters at the distance of 20 miles from each other.

Memorandum or agreement made between the master and mariners of any vessel or boat for wages.

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Agreement made in compliance with or under the provisions of the Mercantile Shipping Acts.

Agreement to marry, not containing any settlement or transfer of property.

Memorandum or agreement made by or with Her Majesty, or any Government officer in the execution of his office.

Policies of insurance and assurance.

	Duty. Rs.	Cts.
Appointment in execution of a power of any property or of any use or interest therein, when made by writing, not a will	15	0

Appraisement or valuation of any estate or effects, moveable or immoveable; or of any interest therein, or of the annual value thereof; or of any dilapidations; or of any repairs wanted; or of the materials and labour used or to be used in any buildings; or of any artificer's work whatsoever.

Where the amount of such appraisement or valuation shall be

Over Rupees,	and	Not over Rupees		Duty. Rs.	Cts.
0	...	50	...	0	15
50	...	100	...	0	25
100	...	200	...	0	50
200	...	300	..	0	75
300	...	400	...	1	00
400	...	500	...	1	25
500	...	800	...	2	00
800	...	1000	...	2	50
Every further 500 or part thereof				1	25

Provided that the duty on any one appraisement shall not exceed Rs. 10.

Exemption.

Appraisements or valuations of any property for the purpose of ascertaining the duty payable on probates or letters of administration; or made by or at the instance of any executor or administrator, with a view to the distribution of any estate under his charge; or made by or at the instance of any Government Officer in the execution of his office, or by or for the Savings Bank or Loan Board.

	Rs.	Cts.
Articles of Clerkship or contract, whereby any person shall first become bound to serve as a Clerk in order to his admission as an Advocate, Proctor, Notary or Apothecary — —	100	0
Articles of Clerkship or contract, whereby any person shall become bound to serve as a Clerk in order to such admission as aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated by consent, or by rule of Court, or in any other event — — — —	10	0
Assignment.—See Transfer or Assignment.		
Award.—Other than that made in any cause — — — —	10	0
Bill of Exchange, Promissory Note, Draft, Cheque or Order, viz;—		
Inland Bill, Draft, Cheque, Promissory Note, or Order for the payment on demand of any sum of money to *the party named therein*, or to *the bearer*, or to *order* — — —	0	5

Inland Bill of Exchange, Promissory Note, Draft or Order for the payment at any time otherwise than on demand to the party named therein, or the bearer, or to order, of any sum of money

Over Rupees,	and	Not over Rupees.		Duty. Rs.	Cts.
0	..	50	...	0	5
50	..	100	...	0	10
100	..	250	...	0	15
250	...	500	...	0	25
500	...	1000	...	0	50
Every further 1000 or part thereof				0	50

Inland Bill, draft or order for the payment of any sum of money, though not made payable to the bearer or to order, if the same shall be delivered to the payee or some person on his behalf.	*The same duty as on a Bill of Exchange for the like sum payable to bearer or order.*
Inland Bill, draft or order for the payment of any sum of money weekly, monthly, or at any other stated periods, if made payable to the bearer or to order, or if delivered to the payee, or some person on his behalf, where the total amount thereby made payable shall be specified therein or can be ascertained therefrom.	*The same duty as on a Bill payable to bearer or order otherwise than on demand, for a sum equal to such total amount.*
And where the total amount of the money thereby made payable shall be indefinite.	*The same duty as on a Bill otherwise than on demand for the sum therein expressed only.*

And the following instruments shall be deemed and taken to be inland bills, drafts, or orders for the payment of money, within the intent and meaning of this Schedule, viz:—

All drafts or orders for the payment of any sum of money by a bill or promissory note, or for the delivery of any such bill or note in payment or satisfaction of any sum of money, where such drafts or orders shall

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require the payment or delivery to be made to the bearer, or to order, or shall be delivered to the payee or some person on his behalf.

All receipts given for money received which shall entitle, or be intended to entitle, the person or persons paying the money, or the bearer of such receipts, to receive the like sum from any third person or persons.

And all bills, drafts or orders for the payment of any sum of money out of any particular fund, which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, if the same shall be made payable to the bearer or to order, or if the same shall be delivered to the payee or some person on his behalf.

And all instruments usually termed Letters of Credit, made and to be used in Ceylon, or whereby any person to whom any such document or writing is or is intended to be delivered or sent, shall be entitled or be intended to be entitled to have credit with, or in account with, or to draw upon any other person for, or to receive from such other person, any sum of money therein-mentioned.

Duty.
Rs. Cts.

Exemptions from the Duties on Drafts or Orders.

All drafts, receipts, cheques, orders, bills of exchange, and promissory notes, drawn by the Treasurer of the Colony or any other Government officer in the execution of his office.

All Letters of Credit, whether in sets or not, sent by persons in this Colony to persons out of the same, authorising drafts on the British Territories in India, or in Ceylon, or any other of Her Majesty's Colonies or Foreign Possessions.

And the following instruments are to be deemed and taken to be promissory notes, within the intent and meaning of this Schedule :—

All Notes promising the payment of any sum or sums of money *out of any particular fund*, which may or may not be available, or upon any *condition or contingency* which may or may not be performed or happen, if the same shall be *made payable to the bearer or to order*, and if the same shall be *definite and certain, and not amount* in the whole to Rupees 200.

Exemptions from the Duties on Promissory Notes.

All Notes promising the payment of any sum or sums of money out of any particular fund, which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, where the same shall not be made payable to the bearer or to order, and also where the same shall be made payable to the bearer or to order, if the same shall amount to 200 Rupees or be indefinite.

And all other instruments bearing in any degree the form or style of promissory notes, but which in law shall be deemed special agreements, except those hereby expressly directed to be deemed promissory notes.

But such of the notes and instruments here exempted from the duty on promissory notes shall nevertheless be liable to the duty which may attach thereto as agreements or otherwise.

Foreign Bills of Exchange drawn in, but payable out of this Colony.

If drawn singly, or otherwise than in a set of three or more, the same duty as on an inland bill of the same amount and tenour.

If drawn in sets of three or more, for every bill of each set,

Where the sum payable thereby shall be

Over Rupees, and	Not over Rupees		Duty. Rs.	Cts.
0 ...	250	...	0	5
250 ...	500	...	0	10
500 ...	1000	...	0	15
Every further 1000 or part thereof		...	0	15

Foreign Bill of Exchange, drawn out of this Colony and payable within this Colony, the same duty as on an Inland Bill of the same amount and tenour.

Foreign Bill of Exchange drawn out of this Colony, and payable out of this Colony, but negotiated within this Colony, the same duty as on a Foreign Bill drawn within this Colony, and payable out of this Colony.

Exemptions from the preceding and all other Stamp Duties.

All Bills of Exchange, Drafts or Orders drawn by the Treasurer of this Island, or any other Government Officer in the execution of his office.

Bill of Lading of or for any goods, merchandize or effects exported or carried coastwise, for each part of every set — — — — — — 0 25

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Bond given as a security for the payment of any definite and certain sum of money; mortgage for any definite and certain sum of money, and of or affecting any property, where the sum shall be

Over Rupees, and		Not over Rupees		Duty Rs.	Cts.
0	...	50	...	0	15
50	...	100	...	0	25
100	...	200	...	0	50
200	...	300	...	0	75
300	...	400	...	1	0
400	..	500	...	1	25
500	...	800	...	2	0
800	...	1000	...	2	50
Every further 500 or part thereof				1	25

Bond given in acknowledgment of advances made or to be made on a forthcoming crop, such advances being secured by hypothecation of the crop, with or without personal security, and made payable on the realization of such crop, but within a year from the date of such Bond.

Where the sum to be lent shall be

Over Rupees,	and	Not over Rupees		Duty. Rs.	Cts.
0		1000	—	1	0
1000	"	2500	—	2	50
2500	"	5000	—	3	75
5000	"	7500	—	5	50
7500	"	10000	—	7	50
For every additional 1,000 Rupees or part thereof			—	0	50

	Duty. Rs.	Cts.
Bond or mortgage to secure the repayment of money to be thereafter lent, advanced or paid, or which may become due upon an account current together with any sum already advanced or due, or without, as the case may be;		
If the total amount of the money secured or to be ultimately recoverable thereupon shall be uncertain, and without any limit — — — — ...	50	0
But if the total amount of the money secured or to be ultimately recoverable thereupon shall be limited not to exceed a given sum, the same duty as on a bond or mortgage for such limited sum.		
When a bond and mortgage shall be contained in the same instrument, and be given to secure the same monies, the bond only shall be chargeable with stamp duty.		
Bond for indemnifying any person who shall have become bound as surety for the payment of any sum of money or the performance of any act — — — —	10	0
Bond for further securing the repayment of any sum already secured by a bond or mortgage, for which an *ad valorem* duty had been previously paid — — —	10	0
Bond of any kind whatever not otherwise charged in this Schedule, nor expressly exempted from all stamp duty — — — — —	10	0

Exemptions from the preceding and all other Stamp Duties.

Bond or mortgage made in pursuance of covenants, or other agreements on that behalf, contained in some other instrument, and without additional money consideration, if such other instrument has been stamped with an *ad valorem* stamp duty on the amount of the consideration for such bond or mortgage.

Bonds and mortgages given by any Government officer, or his sureties, for the due execution of his office.

Bonds and mortgages given by any person to Her Majesty, or to any public officer, for the use of Her Majesty, for any debt or sum of money due, or to become due to the Crown, or to the Government of this Island.

Bonds and mortgages of indemnity given to Fiscals or their Deputies, or officers in the execution of their duty.

Bonds and mortgages given to any officer of Customs in his official capacity.

	Rs.	Cts.
Charter-party or any agreement or contract for the charter of any vessel — —	10	0

Exemptions.

Charter-party made by or with any Government officer in the execution of his office.

	Rs.	Cts.
Composition, deed or other instrument of composition between a debtor or debtors, and his or their creditors	10	0

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Conveyance or transfer of any property for any consideration,

Of immoveable property :—where the purchase or consideration money therein or thereupon expressed shall be—or where, if the consideration be other than a pecuniary one, or partly pecuniary and partly otherwise than pecuniary, the value of the property shall be

Over Rupees,	and	Not over Rupees		Duty. Rs.	Cts.
0	...	50	...	0	25
50	...	100	...	0	50
100	...	200	...	1	00
200	...	300	...	1	50
300	...	400	...	2	00
400	...	500	...	2	50
500	...	800	...	4	00
800	..	1000	...	5	00
Every further 500 or part thereof				2	50

	Duty. Rs.	Cts.
Of moveable property :—half the above rates of duty.		
Conveyance or transfer of property by an executor, administrator or trustee, without consideration to the person beneficially entitled to such property, or when made by order of Court in cases of divorce *a vinculo matrimonii*	10	0
Conveyance or transfer of property without consideration by a trustee or trustees, or the executors or administrators of a deceased trustee or trustees to a surviving trustee or trustees or to a new trustee or trustees, or to a surviving trustee or trustees and a new trustee or trustees ...	10	0
Conveyance or transfer of property subject to mortgage in favor of a party, other than the mortgagee, where the taking over of the mortgage debt is the consideration of such conveyance or transfer —	10	0
Conveyance or transfer of property of any kind whatsoever, not charged in this Schedule nor expressly exempted from stamp duty. — — — — —	10	0

Exemptions from the preceding Stamp Duties.

All conveyances and transfers to Her Majesty, or to any person for or on behalf of Her Majesty.

All leases and mortgages and all transfers or assignments thereof.

Exemptions from the preceding and all other Stamp Duties.

Transfers of bills of exchange and promissory notes by indorsement.

	Rs.	Cts.
Declaration of any use or trust — — — — —	10	0
Deeds or instruments of conformation, release, revocation, substitution, surrogation, disclaimer, and renunciation	10	0
Deed for the exchange of land, without other considerations, between co-heirs or part-owners —	10	0
Deed or instrument not otherwise charged in this Schedule, nor expressly exempted from stamp duty —	10	0

Gift, deed of gift of any property.—The same duty and conditions as to calculation of duty as on a conveyance of property of the same value.

Lease of any property.—The same duty and conditions as to calculation of duty as on a bond, or mortgage of property, for the same amount as the rent payable for the whole term comprised in the lease; provided that the duty shall not exceed that on a lease for five years.

	Rs.	Cts.
Letter or power of Attorney — — — — —	5	0
Substitution or surrogation under any Letter of Attorney — — —	2	50

Exemptions from the preceding Stamp Duties.

Power of Attorney made by any petty officer, seaman or soldier, or by the executors or administrators of any such person, for pay or prize money, or by any Government Officer in the execution of his duty.

	Rs.	Cts.
Letters of *Venia Ætatis* — — — — —	50	0
Letter of license from creditor to debtor — — — —	10	0
Mortgage—See **Bond**.		
Notarial copy of or extract from any instrument — — — —	0	50
Partition—any deed of — — — — —	2	50

Promissory Note.—See Bill of Exchange, inland.

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		Duty. Rs.	Cts.
Protest of any bill of exchange or promissory note for any sum of money not exceeding Rs 200	—	1	0
Exceeding Rs. 200 and not exceeding — — 1000	—	1	50
„ 1000 „ — — 5000	—	2	50
„ 5000 „ — — —	—	5	0
Protest of any other kind — — — —	—	2	50
Receipt or discharge given for or upon the payment of money amounting to Rs. 20 or upwards	—	0	5

Exemptions.

Receipts given for money deposited in any Bank or in the hands of any Banker, to be accounted for, whether with interest or not.

Receipts or discharges written upon promissory notes, bills of exchange, drafts, cheques or orders for the payment of money duly stamped according to the laws in force at the date thereof; or upon bills of exchange drawn out of, but payable in this Island.

Receipts or discharges endorsed or otherwise written upon or contained in any bond, mortgage or other security, or any conveyance, deed or instrument whatever, duly stamped according to the laws in force at the date thereof, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest or annuity thereby received.

Releases or discharges for money by deed duly stamped according to the laws in force at the date thereof.

Receipts or discharges given by or to the Treasurer, any Government Agent, Fiscal, or his deputy or officer, or other public officer, in the execution of his office.

Settlement—Any deed or instrument, whether voluntary or gratuitous, or upon good or valuable consideration other than a *bonâ fide* pecuniary consideration, whereby any definite and certain principal sum or sums of money, or any other property, moveable or immoveable, shall be settled or agreed to be settled upon or for the benefit of any person or persons, either in possession or reversion, either absolutely, or conditionally, or contingently, or for life or other partial interest, or in any other manner whatsoever.—The same duty as on a conveyance of property of the like value or for the like consideration.

Transfer or Assignment of Bond, Mortgage or Lease.—The same duty as on a Bond for the same amount as that of the money secured, consideration paid, or security assigned.

Warrant to act as a Notary Public — — — — — 50 0

Exemption.

Where any person duly admitted a Notary in any district of this Island shall be afterwards admitted a Notary in any other district, the subsequent Warrant shall be free of duty.

Exemptions from the preceding and all other Stamp Duties.

All instruments to or on behalf of Her Majesty, or any Government officer, in his official capacity.

All Wills, Testaments and Codicils, whether Notarial or otherwise.

All instruments for the sale, transfer, other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessel, or any part, share or property of or in any ship or vessel.

PROVIDED that where any Grant of Land shall be made by Her Majesty or Her successors, and where any instrument hereinbefore specified (not being a draft, order or promissory note for the payment of money, or a receipt or discharge for or upon the payment of money), shall be executed or acknowledged before a Notary Public, or shall be executed before some public officer, under the authority of the Ordinance No. 17 of 1852, entitled " *To make further provision touching the execution of certain deeds and instruments*," or by any Fiscal or Deputy Fiscal in the execution of his office, the stamp duty hereby chargeable on such instrument shall be chargeable on the duplicate or counterpart thereof, instead of on the original instrument, and in such case, if the duty exceed the sum of Rupees 2 50 cents, the original instrument shall bear a stamp of . . . 1 0

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PART II.

Containing the Duties on Law Proceedings.

Classes....	1	2	3	4	5	6	7	8
	under Rs. 100	*under* Rs. 300	*under* Rs. 750	*under* Rs. 1500	*under* Rs. 5000	*under* Rs. 10000	*under* Rs. 50000	Rs. 50000 *& upwards*
IN THE SUPREME COURT.	Rs. Cts.	Rs. Cts.	Rs. Cts.	Rs. Cts.	Rs. Cts.	Rs. Cts.	Rs. Cts.	Rs. Cts.
In Civil Proceedings.								
Every affidavit or affirmation.—Bill of Costs.—Bond of Security in appeal to the Queen in Council or other Bond or Recognizance.—Certificate in appeal to the Queen in Council. Copy (office copy) of any decree, deposition, document, or other matter of record.—Decree of Judgment, or order having the effect of a Decree or Judgment, interlocutory or final.—Exemplification under the Seal of Court of any record or proceedings therein.—Exhibit of each unstamped document.—Injunction.—Mandate, or Writ of Mandamus Procedendo and Prohibition.—Order of transference. Petition to the Queen in Council. Proxy.—Rule Nisi or Absolute.—Summons.—Translation of any Exhibit.	0 75	1 50	2 0	3 0	4 50	6 0	7 50	10 0

EXEMPTIONS.

All affidavits or affirmations for verifying service of Process.

All Mandates in the nature of Writs of Habeas Corpus, and all Rules relating thereto.

Provided also that no Queen's Advocate or Deputy Queen's Advocate suing or being sued, or intervening in any suit, *virtute officii*, and no person duly admitted to sue or intervene or defend, as a Pauper, shall be required to use any stamps, in Civil proceedings in the Supreme Court.—But if Judgment for Costs shall be given in favour of such Advocate or Pauper, the value of such stamps as would have been used by him if he had not been allowed to proceed without using stamps, or the value of such part thereof as shall be mentioned in the said Judgment, shall be paid by the party against whom such Judgment shall have been given, to the Commissioner of Stamps or to the Secretary or Clerk of the Court in which the Case shall have been instituted for and on behalf of such Commissioner, and in failure thereof the said Court shall proceed to recover the same in the manner directed in Section 62 of this Ordinance in regard to Pauper suits.

All Matrimonial Proceedings shall be charged as in the Fourth Class.

Testamentary Proceedings shall be charged in the class corresponding with the value of the estate, which must be set out by affidavit when the application for probate or letters of administration is made.

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IN THE DISTRICT COURTS.	1st Class	2nd Class	3rd Class	4th Class	5th Class	6th Class	7th Class
—	Under Rs. 300	Under Rs. 750	Under Rs. 1500	Under Rs. 5000	Under Rs. 10000	Under Rs. 50000	Rs. 50000 and upwards.
In Civil Proceedings.	Rs. Cts.	Rs. Cts.	Rs. Cts.	Rs. Cts.	Rs. Cts.	Rs. Cts.	Rs. Cts.
Every Affidavit or Affirmation.— Bill of Costs.—Certificate in Appeal.—Commission to survey.—Of reference and all other Commissions. — Commitment in Mesne Process or execution.—Copy (Office Copy) of the Decree or Judgment.—Libel.—Answer.—Replication, written admission, or other Pleading.—List of witnesses.—Notice of Trial or Argument—To hear Judgment of the District Court or the Supreme Court —Petition of Appeal.—Proxy.—Rule Nisi or Absolute.—Summons to Defendant or Defendants without reference to number.—Summons to Intervenient or Intervenients without reference to number.—Warrant of Attachment.—Writ of Execution against Person or Property ...	1 0	1 50	2 50	4 0	5 0	6 0	7 50
Every Award.—Bail Bond or other Bond or recognizance. — Certificate of quiet possession.—Commission to examine witnesses.—Edictile Citation for Certificate of quiet possession.—Injunction.—Set of Interrogatories. — Sequestration. — Warrant of Arrest in Mesne Process ...	2 50	4 0	6 0	9 0	12 50	15 0	20 0
Every Exhibit of each unstamped document.—Office copy, duly certified, of all matters of record, per sheet of 120 words.—Subpœna to each witness.—Translation of each Document ...	0 35	0 50	0 75	1 25	1 75	2 0	3 75

No oral pleading shall be received, except the party wishing to plead orally shall furnish a blank sheet of paper on which to write the pleading; and which paper shall bear a stamp of the same value as if it were a written pleading in a case of the like class. And any party failing to furnish such paper, shall be taken to be in default.

Poundage at the rate of one per centum on all moneys levied in execution either by sale or by payment of the debtor to the Fiscal or his Deputy, although the creditor becomes purchaser of the property sold in execution, and obtains credit for the purchase money in reduction of the writ. The order for credit or for payment should be written on a stamp or stamps answering in value to such one per centum.

No party shall be allowed to take any proceedings on or by virtue of any decree or judgment without first taking a copy thereof.

Provided also that no Queen's Advocate or Deputy Queen's Advocate suing or being sued, or intervening in any suit, *virtute officii*, and no person duly admitted to sue, defend or intervene as a pauper, shall be required to use any stamps in Civil proceedings in the District Court. But if judgment for costs shall be given in favour of such Advocate or pauper, the value of such stamps as would have been used by him if he had not been allowed to proceed without using stamps, or the value of such part thereof as shall be decreed by the said judgment, shall be paid by the party against whom such Judgment shall have been given, to the Commissioner of Stamps, or to the Secretary, for and on behalf of such Commissioner; and in failure of payment the said Court shall proceed to recover the same in the manner directed in Section 62 of this Ordinance in regard to Pauper suits.

And no Summons, Subpœna, Warrant of Arrest, or in Execution, nor any other Citation or Writ whatsoever, which has once been issued out of the Court and returned by the officer to whom it was directed, shall, on any pretext whatever, be re-issued, unless any such process has been returned not served or executed, by reason that the party could not be found or had left the Jurisdiction of the Court, or by reason that no property of the debtor or none sufficient to satisfy the exigency of any writ of execution could be found. Provided always, that in respect of any Subpœna or Subpœnas, the same may be re-issued although served, in case the Judge shall, on good cause shewn, so order.

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Provided also, that in appeals to the Supreme Court the appellant shall deliver to the Secretary of the District Court, together with his petition of appeal, the proper stamp for the decree or order of the Supreme Court and Certificate in appeal which may be required for such appeal.

Matrimonial suits shall be charged as in the third class.

Testamentary proceedings shall be charged in the class corresponding with the value of the Estate, which must be set out by affidavit when the application for Probate or Letters of Administration is made.

Exemptions.

All affidavits or affirmations for verifying service of process;—all orders for the release or discharge of Civil Prisoners;—all warrants of attachment for non-attendance or contempt, issued by the Court at its own instance.

IN THE COURTS OF REQUESTS.

Classes—	1.		2.		3.	
	Under Rs. 20		Rs. 20 *& under* Rs. 50		Rs. 50 *& upwards.*	
	Rs.	Cts.	Rs.	Cts.	Rs.	Cts.
Every Affidavit or Affirmation.—Bail Bond or other Bond or Recognizance.—Commission to Survey, or for any other purpose.—Commitment.—Copy of Decree or Judgment.—Notice or Rule.—Proxy.—Plaint or Answer.—Petition of Appeal.—Summons to Defendants or Intervenients without number.—Warrant of Attachment or Execution —	0	25	0	50	1	0
Every office copy of any matter of record — — ; „ Subpœna to each witness — — — ; „ Exhibit of each unstamped document — — ; „ Translation of each document - - —	0	15	0	25	0	50

Poundage at the rate of one per centum on all monies levied in execution, either by sale, or by payment of the debtor to the Fiscal or his deputy; although the creditor becomes purchaser of the property sold in execution, and obtains credit for the purchase money in reduction of the amount of the Writ. The order for credit or for payment should be written on a stamp or stamps answering in value to such one per centum

Provided also that no Government Officer suing or being sued, or intervening in his official capacity, shall be required to use any stamps in any Court of Requests. But if Judgment for Costs shall be given in favour of such Government Officer, the value of such stamps as would have been used by him if he had not been allowed to proceed without using stamps, or the value of such part thereof as shall be decreed by the said Judgment, shall be paid by the party against whom such Judgment shall have been given, to the Commissioner of Stamps, or to the Clerk of the Court in which the case shall have been instituted, for and on behalf of such Commissioner; and in failure of such payment, the said Court shall proceed to recover the same in the manner directed for District Courts, in Section 62 of this Ordinance, in regard to Pauper suits.

And no Summons, Subpœnas, Warrant of Arrest, or in Execution, nor any other Citation or Writ whatsoever, which has once been issued out of the Court and returned by the officer to whom it was directed, shall on any pretext whatever be re-issued, unless any such process has been returned not served or executed by reason that the party could not be found or had left the jurisdiction of the Court, or by reason that no property of the debtor or none sufficient to satisfy the exigency of any Writ of Execution could be found.

Provided always, that in respect of any Subpœna the same may be reissued although served, in case the Commissioner shall, on good cause shewn, so order. Provided also that in appeals to the Supreme Court the appellant shall furnish to the Clerk of the Court the proper stamp for the decree or order of the Supreme Court, and the certificate in appeal which may be required for such appeal.

No party shall be allowed to take any proceedings on or by virtue of any Judgment or Decree without first taking a copy thereof.

Exemptions.

All Affidavits or affirmations for verifying service of process; all warrants of attachment issued by the Court at its own instance.

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PART III.

Containing the Duties in Testamentary Proceedings; on Probates of Wills and Letters of Administration.

	Duty. Rs.	Cts.
Every Account, Provisional or Final — — — ... — —	2	50
„ Bond — — — — — — — —		
„ Copy (office copy) of any Will, or Codicil, or Extract therefrom, or of any document mentioned in this part of the Schedule — — — — — — —	0	75

Probate of a Will, or Letters of Administration, where the property and estate for or in respect of which such Probate or Letters of Administration shall be granted, exclusive of what the deceased shall have been possessed of or entitled to as trustee for any other person or persons, and not beneficially, and exclusive also of the debts due by the deceased on mortgage or other Notarial Bonds, shall be

Over Rupees,	and	Not over Rupees		Duty. Rs.	Cts.
0	—	50	—	0	50
50	—	100	—	1	0
100	—	200	—	2	0
200	—	300	—	3	0
300	—	400	—	4	0
400	—	500	—	5	0
500	—	800	—	8	0
800	—	1000	—	10	0
Every further		500	—	5	0

Provided that where the common estate of a husband and wife shall be administered to after the death of one of them, duty shall be paid as for the half estate.

BOND.

Section 5.

Know all Men by these presents that We   are held and firmly bound unto Our Sovereign Lady Queen Victoria, Her Heirs and Successors, in the sum of Rs.   , for the payment of which We bind ourselves jointly and severally, Our Heirs, Executors and Administrators, firmly by these presents.

Now the condition of this obligation is such, that if the above-bounden do and shall from time to time enter or cause to be entered in a book or books to be kept for that purpose, an account of all Unstamped Cheques issued under the provisions of Section 5 of the Stamp Ordinance, 1871, by the said   , and of all sums charged and received by the said   as stamp dues on such unstamped Cheques, and do and shall from time to time, when thereunto required, produce and shew such accounts to, and permit them to be examined and inspected by the Commissioner of Stamps, and also do and shall deliver to the Commissioner half-yearly, that is to say within 14 days after the 1st day of January, and the 1st day of July, in every year, a true and just account in writing, verified upon the Oaths to the best of the knowledge and belief of the said   , and of his Manager, Cashier, and Accountant, of the amount of all Unstamped Cheques issued by the said   under the authority of the aforesaid Ordinance, and also do and shall pay or cause to be paid to the said Commissioner of Stamps the Stamp duties due on all such Unstamped Cheques issued during such half-year by the said   less 5 Rs. per centum allowed as discount, then this obligation shall be void, otherwise it shall be and remain in full force and virtue.

Passed in Council, the Twenty-second day of December, One thousand Eight hundred and Seventy-one.

James Swan,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-third day of December, One thousand Eight hundred and Seventy-one, and published by his order.

Henry T. Irving,
Colonial Secretary.

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No. 24.—1871.

No. 24.—1871.

An Ordinance to establish further Tolls.

Preamble.

WHEREAS it is expedient to establish the Tolls hereinafter specified: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

1. FROM and after the passing of this Ordinance, Tolls shall be established on the Roads hereinafter specified, or at such other places as the Governor, from time to time, by Proclamation shall appoint.

Tolls.

(1.) ON and in respect of the Morawaka road, in the Mâtara District of the Southern Province.

(2.) ON and in respect of the minor road from Ereagamma to Alladeniya in the Central Province.

Passed in Council, the Twenty-second day of December, One thousand Eight hundred and Seventy-one.

James Swan,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-third day of December, One thousand Eight hundred and Seventy-one, and published by his order.

Henry T. Irving,
Colonial Secretary.

No. 25.—1871.

No. 25.—1871.

An Ordinance for making provision for the Contingent Services of the Year 1872.

Preamble.

WHEREAS the Contingent Expenditure required for the service of the Government of this Island for the year One thousand Eight hundred and Seventy-two, and not otherwise provided for, has been estimated at the sum of Six Millions Eight hundred and Seven thousand, Nine hundred and Twenty-eight Rupees, and Sixty-six Cents.

Rs. 6,807,928 Cts. 66 to be charged upon the Revenue of this Island for the Contingent service of the year 1872.

1. IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, that a sum not exceeding Six Million Eight hundred and Seven thousand, Nine hundred and Twenty-eight Rupees, and Sixty-six Cents, shall be, and the same is hereby charged upon the Revenue of this Island, for the Contingent service of the year One thousand Eight hundred and Seventy-two, and the said expenditure shall be in conformity with the details of the Estimates specified in the Schedule A. hereunto annexed, whereof the following is an abstract:—

1. Establishments.

	Rs.	Cts.	Rs.	Cts.
Salaries, Provisional and Temporary ……	1,166,960	4		
Allowances……	83,807	9		
Office Contingencies……	225,740	49		
			1,476,507	62

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No. 25.—1871.

		Rs.	Cts.	Rs.	Cts.
	[Brought forward..............	—		1,476,507	62
	SERVICES, *exclusive of Establishments.*				
2.	Pensions, Retired Allowances and Gratuities	441,315	12		
3.	Revenue Services.............................	291,590	0		
4.	Administration of Justice....................	63,140	25		
5.	Ecclesiastical	4,000	0		
6.	Charitable Allowances.........................	49,654	50		
7.	Education..	87,895	0		
8.	Hospitals...	179,902	67		
9.	Police and Gaols	220,565	50		
10.	Rent..	36,879	0		
11.	Transport..	197,046	50		
12.	Conveyance of Mails..........................	95,575	25		
13.	Works and Buildings	331,083	0		
14.	Roads, Streets, Bridges, and Canals.........	1,757,431	0		
15.	Miscellaneous Services........................	440,215	50		
16.	Interest...	42,113	75		
17.	Colonial Store..................................	392,800	0		
19.	Government Vessels............................	46,000	0		
20.	Refund of Duties, Drawbacks, &c...........	7,482	0		
21.	Lands taken for Government purposes......	22,200	0		
22.	Immigration.....................................	92,812	0		
23.	Railway Services	531,720	0		
				5,331,421	4
			TOTAL—Rs.	6,807,928	66

Expenditure of the unexpended balances of 1870 and 1871.

2. AND whereas from the sums voted for Public Works in the Supply Ordinances for the years 1870 and 1871, a balance of Two hundred and Seventy-one thousand Six hundred and forty Rupees and Seventy-two Cents will remain unexpended at the end of 1871, and the same has been brought forward for expenditure during the year 1872: IT IS ENACTED that it shall be lawful for the Governor to authorize the expenditure of the said amount during the year 1872, for the completion of the works for which the same was voted.

Amount of Labour to be supplied under the Ordinance No. 10 of 1861.

3. AND whereas by the 18th section of the Ordinance No. 10 of the year 1861, intituled "*To consolidate and amend the Laws relating to Public Thoroughfares in this Colony,*" it is enacted, that it shall be lawful for the Governor to propose the estimates prepared in pursuance thereof, or such of them as to him may appear expedient in the Ordinance for making provision for the contingent expenditure of the Colony for the ensuing year, to be dealt with in like manner as any other estimate to be so proposed: And it is thereby also provided, that the amount of labour to be supplied under the provisions of the said Ordinance No. 10 of 1861, for the performance of any work or works, for which an estimate or estimates may have been so proposed by the Governor, and approved of by the Legislative Council, shall be distinctly stated in the Ordinance enacted for the same, and that the same shall not exceed two-thirds of the whole amount of labour due from the district or districts within which it may be required to be performed: IT IS ENACTED, that the amount of labour to be supplied under the provisions of the said Ordinance, shall be in conformity with the estimates specified in the Schedule A. hereunto annexed.

Treasurer to pay the above at such time as the Governor by Warrant shall order.

4. THE Treasurer of the said Island shall issue and pay the said several sums to such persons, for the purposes hereinbefore-mentioned, upon such days and in such proportions as the Governor for the time being, by any warrant or order in writing to be signed by him, shall from time to time order and direct; and the payments so to be made shall be charged upon and payable out of the revenues of the said Island.

And to receive credit in his accounts for the payments made in pursuance thereof.

5. THE said Treasurer shall in his accounts from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid; and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his said accounts, for any such sum or sums as shall be therein-mentioned; and he shall and may receive credit for the same accordingly.

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SCHEDULE A.

No. 1.—ESTABLISHMENTS.	Provisional and Temporary Salaries. Rs. Cts.	Allowances. Rs. Cts.	Office Contingencies. Rs. Cts.		Total. Rs. Cts.
His Excellency the Governor ...	2567 8	...	502 0	...	3069 8
Secretariat	15763 0	3000 0	27089 0	...	45852 0
Treasury	4100 0	3076 84	2073 0	...	9249 84
Audit Office	4560 0	...	2230 0	...	6790 0
Agency, Western Province	15646 0	1844 0	5080 0	...	22570 0
Do. North-Western do.	13144 0	1580 0	1300 0	...	16024 0
Do. Southern do.	4959 0	315 0	1870 0	...	7144 0
Do. Eastern do.	885 0	...	990 0	...	1875 0
Do. Northern do.	2266 0	...	2641 50	...	4907 50
Do. Central do.	6769 0	...	3335 0	...	10104 0
Public Works Department	84623 0	...	36100 0	...	120723 0
Survey Department	124858 50	...	12740 0	...	137598 50
Customs, Western Province	8623 0	275 0	4191 67	...	13089 67
Do. Southern do.	3195 0	...	2490 0	...	5685 0
Do. Eastern do.	1835 0	...	416 0	...	2251 0
Do. Northern do.	1782 25	...	707 50	...	2489 75
Harbour Department, Colombo ...	6153 0	500 0	3090 0	...	9743 0
Do. Galle	11310 0	...	3716 50	...	15026 50
Do. Trincomalee .	6317 0	...	3114 37	...	9431 37
Post Office	19944 0	855 0	20044 25	...	40843 25
Service Tenures Commission... ...	10070 0	...	2113 0	...	12183 0
Botanic Garden	7607 0	...	1780 0	...	9387 0
Agent, Colonial Steamer "Serendib" ...	20960 0	4316 25	...	...	25276 25
Registry of the Supreme Court ...	...	...	150 0	...	150 0
Queen's Advocate	2400 0	...	445 0	...	2845 0
Deputy Queen's Advocate	...	...	50 0	...	50 0
District Courts, Courts of Requests, and Police Courts	23888 0	...	4790 70	...	28678 70
Registration Department, Lands ...	...	...	5220 0	...	5220 0
Do. do. Marriages, Births, and Deaths	...	30000 0	9000 0	...	39000 0
Fiscal for the Western Province ...	7277 0	...	928 50	...	8205 50
Do. North-Western do. ...	4110 0	...	590 0	...	4700 0
Do. Southern do ...	6540 0	...	1555 0	...	8095 0
Do. Eastern do. ...	842 0	...	200 0	...	1042 0
Do. Northern do. ...	5470 0	...	1135 0	...	6605 0
Do. Central do. ...	11829 0	...	575 0	...	12404 0
Loan Board	...	...	200 0	...	200 0
Ecclesiastical Establishments (Treasurer)	2340 0	11150 0	...	...	13490 0
Public Instruction	124445 0	...	...	...	124445 0
Medical Department	42346 0	5245 0	30850 0	...	78441 0
Police	274326 0	6020 0	2480 0	...	282826 0
Prisons	...	...	140 0	...	140 0
Convict Establishments	5608 0	...	300 0	...	5908 0
Colonial Store Establishment ...	...	...	50 0	...	50 0
Railway	273602 21	14380 0	30667 50	...	318649 71
Crown Agents in London	4000 0	1250 0	...	...	5250 0
	1166960 4	83807 9	225740 49	...	1476507 62

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No. 2.—PENSIONS, RETIRED ALLOWANCES, AND GRATUITIES.	Rs.	Cts.	Rs.
Treasurer	112695	12	
Government Agent for the Western Province	2000	0	
Do. North-Western do.	2900	0	
Do. Southern do.	19000	0	
Do. Eastern do.	5700	0	
Do. Northern do.	6600	0	
Do. Central do.	10000	0	
Crown Agents in London	250420	0	
Governments and Agents in India	32000	0	
			44131

No. 3.—REVENUE SERVICES.	Rs.	Cts.		
Government Agent for the Western Province	...		29880	0
For the collection, &c., of Grain	12790	0		
„ half share of Fines to Informers	60	0		
„ expenses of removing Timber	600	0		
„ Assessment Tax, and Remuneration to Assessors, &c. ..	12630	0		
„ Law Prosecutions	900	0		
„ Commission on Stamps	—			
„ Tin Plates for Licensed Carts, &c.	900	0		
„ the collection of Tolls	2000	0		
	29880	0		
Government Agent for the North-Western Province	...		105670	0
For collecting and storing, &c., Salt	101000	0		
„ the collection, &c., of Grain..	3050	0		
„ charges on account of Arrack Farm	—			
„ removal of confiscated Timber	50	0		
„ Assessment Tax, and Remuneration to Assessors, &c. ..	670	0		
„ Law Prosecutions	500	0		
„ Tin Plates for Licensed Carts, &c.	400	0		
„ the collection of Tolls	—			
	105670	0		
Government Agent for the Southern Province	...		37600	0
For collecting and storing, &c., Salt	33000	0		
„ the collection, &c., of Grain	1750	0		
„ removal of confiscated Timber	50	0		
„ Assessment Tax, and Remuneration to Assessors, &c. ..	2050	0		
„ Law Prosecutions	500	0		
„ Commission on Stamps	50	0		
„ Tin Plates for Licensed Carts, &c.	200	0		
	37600	0		
Government Agent for the Eastern Province	...		26800	0
For collecting and storing, &c., Salt	17200	0		
„ the collection, &c., of Grain	4130	0		
„ the Inspection of the Pearl Banks, &c.. . ..	50	0		
„ expenses attending the confiscation and sale of Timber, &c. ..	3570	0		
„ Assessment Tax, and Remuneration to Assessors	1600	0		
„ Law Prosecutions	150	0		
„ Commission on Stamps	50	0		
„ Tin Plates for Licensed Carts, &c.	50	0		
	26800	0		
Government Agent for the Northern Province	...		73440	0
For collecting and storing, &c., Salt	34800	0		
„ the collection, &c., of Grain	20920	0		
„ Commission to Retailers, on Arrack, &c.	700	0		
„ the Inspection of the Pearl Banks at Arippu, &c.	8500	0		
„ Commission to Headmen on the receipts from Timber felled, &c.	2400	0		
„ Assessment Tax, and Remuneration to Assessors, &c. ..	5450	0		
„ Law Prosecutions	220	0		
„ Commission on Stamps	200	0		
„ Tin Plates for Licensed Carts, &c.	250	0		
	73440	0		

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	Rs.	Cts.	Rs.	Cts.	Rs.	Cts.
3.—REVENUE SERVICES—*(continued.)*						
[Brought forward— ...			273390	0		
nment Agent for the Central Province			18200	0		
For the collection, &c., of Grain	12100	0				
„ half share of Fines to Informers	200	0				
„ Assessment Tax, and Remuneration to Assessors, &c. ..	3900	0				
„ Law Prosecutions	700	0				
„ Commission on Stamps	200	0				
„ Tin Plates for Licensed Carts, &c.	600	0				
„ Collecting Hospital Bills	500	0				
	18200	0				
					291590	0
4.—ADMINISTRATION OF JUSTICE.						
nment Agents			2430	0		
rar of the Supreme Court			12000	0		
's Advocate			200	0		
t Judges, Commissioners of the Courts of Requests, and Police Magistrates ...			2945	25		
... ...			45565	0		
					63140	25
5.—ECCLESIASTICAL.						
rer			—		4000	0
6.—CHARITABLE ALLOWANCES.						
nment Agent for the Western Province			25960	0		
Do. North-Western do.			1364	50		
Do. Southern do.			8200	0		
Do. Eastern do.			3800	0		
Do. Northern do.			6600	0		
Do. Central do.			3730	0		
					49654	50
7.—EDUCATION.						
or of Public Instruction			—		87895	0
8.—HOSPITALS.						
nment Agent for the Western Province			79339	0		
Do. North-Western do.			10038	0		
Do. Southern do.			15620	0		
Do. Eastern do.			6501	50		
Do. Northern do.			14448	0		
Do. Central do.			53806	17		
tor-General of Police			150	0		
					179902	67
9.—POLICE AND GAOLS.						
nment Agents			2640	0		
t Judges, Commissioners of the Courts of Requests, and Police Magistrates ..			687	50		
tor-General of Police			2650	0		
for the Western Province			10520	0		
o. North-Western do.			13460	0		
o. Southern do.			36750	0		
o. Eastern do.			5080	0		
o. Northern do.			23510	0		
o. Central do.			29920	0		
intendent, Colombo Convict Establishments			65348	0		
nments of India			30000	0		
					220565	50

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No. 10.—RENT.

		Rs.	Cts.	Rs.
Treasurer		5775	0	
Government Agent for the Western Province		500	0	
Do. Southern do.		540	0	
Do. Eastern do.		200	0	
Do. Northern do.		180	0	
Collector of Customs for the Southern Province		150	0	
Do. Eastern do.		75	0	
Director of Public Works...		2160	0	
Postmaster-General		906	0	
Queen's Advocate		90	0	
District Judge of Kandy		90	0	
Commissioner of the Court of Requests and Police Magistrate of Kandy		240	0	
Fiscal for the Western Province		1140	0	
Do. Eastern do.		120	0	
Registrar-General		2750	0	
Director of Public Instruction		10500	0	
Principal Civil Medical Officer and Inspector-General of Hospitals		600	0	
Inspector-General of Police		10863	0	
				3687

No. 11.—TRANSPORT.

		Rs.	Cts.	Rs.
Governor		7730	0	
Colonial Secretary		1500	0	
Treasurer		16300	0	
Auditor-General		2000	0	
Government Agent for the Western Province		7680	0	
Do. North-Western do.		5430	0	
Do. Southern do.		6800	0	
Do. Eastern do.		4470	0	
Do. Northern do.		8600	0	
Do. Central do.		8600	0	
Director of Public Works		50000	0	
Surveyor-General		13240	0	
Postmaster-General		1500	0	
The Service Tenures Commissioner		4000	0	
Director of the Royal Botanic Garden		1500	0	
Collector of Customs for the Western and North-Western Provinces		2000	0	
Do. Southern Province		300	0	
Do. Eastern do.		50	0	
Do. Northern do.		250	0	
Master Attendant, Trincomalee		240	0	
Queen's Advocate		600	0	
Deputy Queen's Advocate		200	0	
District Judges, Commissioners of the Courts of Requests, and Police Magistrates		11476	50	
Registrar-General of Lands, &c.		2000	0	
Fiscal for the Western Province	Rs. 500 0			
Do. North-Western do.	450 0			
Do. Southern do.	50 0			
Do. Eastern do.	900 0			
Do. Northern do.	550 0			
Do. Central do.	500 0			
		2950	0	
Director of Public Instruction		9000	0	
Principal Civil Medical Officer and Inspector-General of Hospitals		4720	0	
Inspector-General of Police		21910	0	
Inspector-General of Prisons		2000	0	
				19704

No. 12.—CONVEYANCE OF MAILS.

Postmaster-General				9557

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No. 13.—WORKS AND BUILDINGS.*

	Rs.	Cts.	Rs.	Cts.	Rs	Cts.
New Works and Buildings.						
For Warehouse Accommodation	50000	0				
For building New Hospitals	60000	0				
For building New Schools	30000	0				
For operations in connection with Galle Harbour ...	10000	0				
For building 2 Immigrant Cooly Sheds in Nuwara Eliya District	8690	0				
For building a boundary wall, Residence for the Storekeeper, and other Offices to the Powder Magazine, Kandy	5690	0				
For Police Stations	5000	0				
For Landing Pier and Staging, Pannaiturai Ferry...	2760	0				
For Salt Store, Trincomalee	2320	0				
For constructing 6 Satinwood Book-cases for the Council Chamber	2100	0				
For building a House for Sub-Collector, Kankesanturai	1990	0				
For building a House for the Landing Waiter, Point Pedro	1600	0				
For building a boundary wall, Mannar Cemetery (Government contribution)	800	0				
For building a dry-earth Latrine, Karaiur, Jaffna ...	645	0				
For completion of the Badulla Waterworks (Government moiety)	184	0				
For building permanent Sheds at Vankalai and Pesalai	18000	0				
For building Hospital at Mannar ...	4430	0				
For building Hospital at Puleaddy Errakum ...	13520	0				
For building 4 Cooly Sheds with Hospitals between Periakadu and Mihintale	11920	0				
For Landing stage at Davipattam ...	1940	0				
For Landing stages at Vankalai and Pesalai ...	1940	0				
For Beacons at Vankalai and Pesalai ...	1760	0				
For Light Boat at Ramesuram	1300	0				
			236589	0	236589	0
Alterations and Additions to Buildings.						
For certain improvements to the Powder Magazine at Welikada	—		4000	0		
Repairs to Buildings.						
For repairs to Government Buildings, the cost of which shall not exceed Rs. 2000 for each work	80000	0				
For repairs to Wolfendahl Church ...	3000	0				
For repairs to the Stables at the Pavilion, Kandy...	4236	0				
For re-shingling the Salt Store at Puttalam ...	3258	0				
			90494	0		
					94494	0
Total, Works and Buildings ...					331083	0

* Abstract of No. 13.—Works and Buildings.

New Works and Buildings ...	Rs. 236,589	0
Alterations and Additions to do.	4,000	0
Repairs to Buildings	90,494	0
Total...	Rs. 331,083	0

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No. 14.—ROADS, STREETS, BRIDGES, AND CANALS.

For ordinary and necessary Repairs.

Irrigation Works.

	Rs.	Cts.	Rs.	Cts.
Upkeep of Irrigation Works	10000	0		

Works to be undertaken under the Road Ordinance.

ROADS.

Western Province

		Miles.	Days' Labour.	Rs.	Cts.
Colombo to Bentoṭa	...	34	40,002	27400	0
Grandpass to Avisáwélla	...	27	31,998	13601	0
Grandpass to Tóppu	...	24	16,002	5600	0
Branch roads in Negombo	...	5	4,002	1000	0
Avisáwélla to Ratnapura	..	26	14,004	22499	0
Ratnapura to Pelmaḍulla	...	12¾	—	56005	0
Pelmaḍulla to Gurukaṇḍura	..	31½	16,662	46235	0
Dolosbágé to Rambukkana	..	20	9,996	9,501	0
Avisáwélla to Karawanella	..	9	3,204	999	0
Karawanella to Ginigathéna	..	17	8,004	11599	0
Negombo to Giriulla	.	24	9,996	3501	0
Koṭṭé road	..	7	4,002	1800	0
Véyangoḍa and Já-ela roads	.	25	11,202	3200	0
Pelmaḍulla to Rakwána	..	16	16,242	5540	0
U'rugoḍawatta road	..	5	4,002	2000	0
Grandpass to Kaḍugannáwa	..	58¾	73,998	22626	0
Ballápána to Karawanella	..	18	4,002	1700	0
Ambépussa to Alawwa	.	4¾	804	179	0
Kínadeniya road	.	3¼	1,200	188	0
Pánaduré to Nambápána	..	22	—	1810	0
Banḍáragama to Waskaḍuwa	..	8	—	300	0
Kalutara to Agalawatta	..	16	—	400	0
Horana to Agalawatta	..	18½	—	310	0
Alikam to Welipenna	...	9	—	220	0
Hanemulla to Maḍapáta	..	2	—	130	0
Negombo to Dúnágaha	..	11½	—	610	0
Pasyála to Giriulla	..	12	—	310	0
Minuwangoḍa to Koṭadeniyáwa	..	12	—	250	0
Gordon's bridge to Koḍigamuwa	...	8	—	730	0
Siduwa to Koṭugoḍa	...	3¼	—	200	0
Tuḍella to Pamunugama	...	3¼	—	30	0
E'kala to Henaratgoḍa	...	9	—	550	0
Pámankaḍa to Horana	..	12	—	420	0
11th mile Galle road, to Mámpé	...	5	—	710	0
Kóṭṭé to Kaduwala	...	7	—	1400	0
Péliyagoḍa through Biyagama to Henaratgoḍa ...	...	17¾	—	920	0
Digaralla to Pánaduré (old road)	...	4	—	1250	0
Pasyála to Hanwella	...	20	—	370	0
Hanwella to Nambápána	...	8	—	250	0

	Rs.	Cts.	Rs.	Cts.
	246343	0		
			256343	0
Carried over... 576½			256343	0

No. 14.—ROADS, STREETS, BRIDGES, AND CANALS.—*continued.*

	Miles.	Days' Labour.	Rs.	Cts.	Rs.	Cts.	Rs.	Cts.
[Brought forward ...	576¼	...	...		...		256343	0
ROADS.—*continued.*								
NORTH-WESTERN PROVINCE.								
Alawwa to Galagedara ..	31¾	66,798	3938	0				
Kurunégala to Nikawęratiya ..	25	41,286	929	0				
Nikawęratiya to Puttaḷam ..	29	6,114	11522	0				
Road to Puttaḷam Salt-pans ..	5	—	3250	0				
Kurunégala to Beligamuwa ..	22	12,012	300	0				
Puttaḷam to Kalá Oya ..	23½	6,924	4144	0				
Puttaḷam to Maṭuraṇkuli ...	8	1,304	1274	0				
Maṭuraṇkuli to Tóppu ...	48	7,858	8956	0				
Puttaḷam to Madurugama ...	41	6,804	139	0				
Naranmulla to Mádampe ..	22	—	130	0				
Kurunégala to Giriulla ..	21½	12,000	500	0				
Tóppu minor road ..	13	—	2500	0				
					37582	0		
SOUTHERN PROVINCE.								
Bentoṭa to Goyyápána ...	44	36,804	30399	0				
Goyyápána to Kemagoḍa ..	30	40,004	10999	0				
Kemagoḍa to Hambantoṭa ..	33	20,400	11600	0				
Akurȩssa to Morowaka road and Gintọta river ..	29	—	34050	0				
Hambantoṭa to Tanamalwila ..	21	2,400	1500	0				
Doḍandúwa to Baddégama ..	7	4,200	1050	0				
Galle to Akurȩssa ..	22	32,000	14000	0				
Belligam and Morowaka road ..	27	—	3117	0				
Godagama road	8	—	250	0				
Hakmana road	16	—	600	0				
Tudawa road	12	—	140	0				
					107705	0		
EASTERN PROVINCE.								
Gravets of Trincomalee ...	15	8,000	2500	0				
Trincomalee to Habaraṇa ..	56½	6,570⅓	6958	0				
Coast road to Trincomalee District ...	82	2,000	2270	0				
Trincomalee to Anurádhapura ...	27	—	3240	0				
Coast road, Batticaloa District ...	152	16,000	3600	0				
New Badulla road between Maduru Oya and Eraur ...	41	8,000	18500	0				
					37068	0		
NORTHERN PROVINCE.								
Gravets of Jaffna ..	28	28,800	760	0				
Semmaṇi road ..	4	3,600	300	0				
Jaffna to Káraitívu ..	11½	7,200	840	0				
Jaffna to Punnalai ..	10	7,200	1000	0				
Jaffna to Káṇkésanturai ..	11½	10,800	800	0				
Mánippáy to Kaitadi ..	8	7,200	440	0				
Jaffna and Point Pedro .	21	18,000	1280	0				
Jaffna and Kaitadi ..	6	3,600	800	0				
Vaḷḷukkaiyáru to Kayts ..	7½	3,600	475	0				
Point Pedro to Tondaimanáru ..	7	3,600	690	0				
Do. to Kodikamam ..	8½	10,800	540	0				
Vallai to Valluvedditturai ..	3½	2,160	190	0				
Kaitadie to Elephant Pass ..	27	54,000	6000	0				
Elephant Pass and Kokavil ..	15	3,600	1750	0				
Kokavil and Notchemottai ..	35	—	5250	0			182355	0
Carried over ...	1692	...	21115	0	...		438698	0

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No. 14.—ROADS, STREETS, BRIDGES, AND CANALS.—*continued.*

	Miles.	Days' Labour.	Rs.	Cts.	Rs.	Cts.	Rs.	Cts.
[Brought forward...	1692	...	21115	0	...		438698	0
ROADS.—*continued.*								
NORTHERN PROVINCE.—*continued.*								
Notchemottai and Kalkandomedu ..	12	5,333⅓	800	0				
Kalkandomedu and Mirisgoni Oya ..	59	21,333⅓	4740	0				
Mullaittívu to Central road ..	31	5,333⅓	860	0				
Mihintalé to Kala Oya ..	31	5,333⅓	860	0				
Mehintalé towards Trincomalee ..	33	5,333⅓	980	0				
Coast road to Colombo ..	85	11,466⅔	1640	0				
Mattakachchi to Pesalai ..	64	1,066⅔	3000	0				
Puttúr to Koḍikámam road ..	3	1,440	160	0				
Elephant Pass to Kanagarayan ..	34	—	1700	0				
					35855	0		
CENTRAL PROVINCE.								
Kaḍugannáwa to Pérádeniya ..	6	6,932	2467	0				
Pérádeniya to Nuwara Eliya ..	43	45,486	59430	0				
Gampola to Ginigathéna ..	18	4,514	30372	0				
Kaṭugastoṭa to Galagedara ..	11	8,004	4599	0				
Do. to Balakaḍuwa ..	7	16,512	8662	0				
Kandy to Háragama ..	8½	6,248	6088	0				
Ginigathéna towards Kitulgala to boundary of Province ..	8	—	6400	0				
Náwalapiṭiya to Tispané ..	11½	—	11500	0				
Kaṭugastoṭa to Teldeniya and Galmal Oya ..	16½	—	16500	0				
Teldeniya to Raŋgalla ..	8¼	—	6680	0				
Maḍawala to Maḍulkẹlé ..	14	—	12600	0				
Dimbula road (Government money)	19½	—	10950	0				
Dik Oya road do. ..	17¼	—	7331	0				
Punḍalu Oya road do. ..	9¼	—	4320	0				
Pupurẹssa road do. ..	9½	—	3350	0				
Dótalé road do. ..	10¼	—	9350	0				
Kẹlẹbokka to Kabaragala do. ..	3¼	—	810	0				
Maḍulkẹlé to Bambara Ẹlla do. ..	7¾	—	3332	0				
Lémastoṭa road do. ..	8	—	7100	0				
Deltoṭa road do. .	19	—	12400	0				
Nuwara Eliya to Badulla ..	38	12,060	62185	0				
Dikwẹlla to Náulla ..	5½	—	8800	0				
Náulla to Gurukanḍura ..	28	8,934	48167	0				
Badulla to Batticaloa new road ..	55	8,604	44900	0				
Balakaḍuwa to Mátalé ..	7	10,236	5329	0				
Mátalé to Rattoṭa ..	6¾	—	5400	0				
Háragama to Belahul Oya ..	16½	6,980	16735	0				
Náulla to Tanamalwila ..	42	7,800	3240	0				
Badulla to Taldena ..	10	4,296	2157	0				
Dikwẹlla to Maḍulla ..	16	1,950	313	0				
Mátalé to Mirisgóni Oya ..	29	8,628	9713	0				
Habaraṇa to Beligamuwa ..	28	—	3120	0				
Ampiṭiya to Talátu Oya ..	5	—	1600	0				
Gónawatta through Kengala to Rájawẹlla ..	3	—	2950	0				
Yaṭawatta road .	8¾	—	900	0				
Wíragantoṭa to Mahawila ..	8	—	210	0				
					439960	0		
BRIDGES.								
Upkeep of Iron and Timber Bridges throughout the Island, exceeding 50 feet in length ...	—		40000	0				
Repair of Kalutara Bridge ..	—		20000	0				
					60000	0	535815	0
Carried over	2606		...		...		974513	0

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No. 14.—ROADS, STREETS, BRIDGES, AND CANALS.—*continued.*

	Miles.	Days' Labour.	Rs.	Cts.	Rs.	Cts.	Rs.	Cts.
[Brought forward...	2,606	...	..		974513	0		
CANALS.								
Western Province.								
Colombo to Kammal ..	24	33,054	4599	0				
Do. to Kalutara ..	30	12,000	6000	0				
					10599	0		
North-Western Province.								
Tóppú to Puttalam ..	66	7,068	22633	0				
Canals through Northern Saltpans ..	1½	—	600	0				
Do. to Nachikali Salt-pans ..	2	—	600	0				
					23833	0		
Northern Province.								
Boat Channel, Jaffna Lake ..	40	14,400	2000	0				
	2,769½		...		2000	0		
Total for ordinary and necessary Repairs of 2,769½ miles of Roads, and Canals, including up-keep of Bridges and Irrigation Works ...			...				1010945	0
REST-HOUSES.								
Western Province ...	—	44,280	...					
Southern Province ...	—	22,000	...					
Eastern Province ..	—	10,000	...					
Northern Province ...	—	41,760	...					
Central Province ...	—	39,518	...					
Departmental Charges.								
Cost of Tools to be supplied to the Provincial Road Committees, and for Minor Works to be undertaken in the several Provinces ...			50000	0				
Surveying and tracing new roads, and taking borings			4000	0				
Keep of sick Bullocks			500	0				
Elephant Establishment			5000	0				
Purchase of Carts and Bullocks ...			3000	0				
Repairs of Ferry Boats and Pontoons ...			3000	0				
Working of the Factory			5000	0				
Implements			25000	0				
General Service			15000	0				
Stationery and Books for Pioneer Schools ..			250	0				
Purchase of Iron Hand-carts			2500	0				
Recruiting Pioneers			10000	0				
Drawing Materials			1200	0				
Construction of an Iron Pontoon and a Ferry Boat			3000	0				
Surveying and Drawing Instruments ...			500	0				
					127950	0		
New Undertakings other than Buildings.								
New Roads.								
For opening and metalling two roads in the town of Ratnapura			8800	0				
For extension of the Badulla and Batticaloa road			64773	0				
For new road from Devon Estate to Rosita Estate, Dimbula, on an Estimate for Rs. 36,324 (Government moiety)			18162	0				
For making a gravelled road along the reserve at the south side of the East and West base line, Borella			3000	0				
For the extension of the Dimbula road from Tellicoultry to the Deyanalla Kandura, on an Estimate for Rs. 24,696 (Government moiety) ...			12348	0				
For compensation, Dimbula road (Government moiety)			897	0				
					107980	0		

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No. 14.—ROADS, STREETS, BRIDGES, AND CANALS.—*continued.*

	Days' Labour.	Rs.	Cts.	Rs.	Cts.	Rs.	Cts.
[Brought forward				235930	0	1010945	0
Additions and Improvements to existing Roads.							
For widening the road between Nawalapitiya and Tispane		23870	0				
For metalling 6 miles of the Badulla and Batticaloa road		30000	0				
For improvement of the Deltota road (Government moiety)		6609	0				
For improvement of the Pupuressa road (Government moiety)		5940	0				
For additions and improvements to existing roads, the cost of which shall not exceed Rs. 2000 each.— Western Province	..						
N.-W. Province	7704						
Southern Province	...						
Eastern Province	19,380						
Northern Province	...						
Central Province	...	30000	0				
				96419	0		
New Bridges.							
For Digarolla bridge (bal. of Est. No. 176 of 1871)		7500	0				
For Gintara bridge		86201	0				
For bridge over the Kotmale Oya at Belgravia, Dimbula on an Estimate for Rs. 24872 (Government moiety)		12436	0				
For wire bridges, Northern Province ...		6000	0				
				112137	0		
For Irrigation Works				250000	0		
Inland Navigation				50000	0		
Miscellaneous.							
Sanitary Improvements at Jaffna ...				2000	0		
						746486	0
				TOTAL....Rs.		1757431	0

SUMMARY.

HEADS OF SERVICE.	Amount. Rs.	Cts.	Total. Rs.	Cts.
WORKS AND BUILDINGS.				
New Works and Buildings	236589	0		
Alterations and Additions to Buildings	4000	0		
Repairs to Buildings	90494	0		
			331083	0
ROADS, STREETS, BRIDGES, AND CANALS.				
Upkeep of Roads, &c.	1010945	0		
Departmental Charges	127950	0		
New Roads	107980	0		
Additions to Roads	96419	0		
New Bridges	112137	0		
Irrigation Works	250000	0		
Inland Navigation	50000	0		
Miscellaneous	2000	0		
			1757431	0
	TOTAL...Rs.		2088514	0

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	Rs. Cts.	Rs. Cts.
. 15.—MISCELLANEOUS SERVICES.		
surer	193500 0	
eyor-General	63000 0	
ctor of the Botanic Garden	2500 0	
ernment Agent for the Western Province	7200 0	
Do. North-Western do.	3556 50	
Do. Southern do.	952 0	
Do. Eastern do.	4594 0	
Do. Northern do.	14553 0	
Do. Central do.	11230 0	
ector of Customs	2914 0	
master-General	64000 0	
ector-General of Police	23216 0	
wn Agents in London	45000 0	
ernments and Colonial Agents in India	4000 0	
		440215 50
o. 16.—INTEREST.		
surer	...	42113 75
o. 17.—COLONIAL STORE.		
nial Storekeeper	147800 0	
wn Agents in London	230000 0	
nial Agents in India	15000 0	
		392800 0
o. 19.—GOVERNMENT VESSELS.		
nt, Colonial Steamer "Serendib"	...	46000 0
o. 20.—REFUND OF DUTIES, DRAWBACKS, &c.		
asurer	4172 0	
ernment Agent for the Western Province	2500 0	
Do. North-Western do.	60 0	
Do. Southern do.	500 0	
Do. Eastern do.	—	
Do. Northern do.	100 0	
Do. Central do.	150 0	
		7482 0
o. 21.—LANDS TAKEN FOR GOVERNMENT PURPOSES.		
ernment Agent for the Western Province	20000 0	
Do. Northern do.	1200 0	
Do. Central do.	1000 0	
		22200 0
o. 22.—IMMIGRATION.		
ernment Agent for the Western Province	222 0	
Do. Northern do.	92158 0	
Do. Central do.	432 0	
		92812 0
o. 23.—RAILWAY SERVICES.		
Treasurer.		
rking Expenses	...	531720 0

Passed in Council, the Twenty-seventh day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-eighth day of December, One thousand Eight hundred and enty-one.

HENRY T. IRVING,
Colonial Secretary.

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An Ordinance to facilitate the administration of Village Communities, and to provide for the establishment of Village Tribunals.

Preamble.

WHEREAS it is expedient to facilitate the administration of Village Communities, and to provide for the establishment of Village Tribunals, with a view to diminish the expense of litigation in petty cases, and to promote the speedy adjustment of such cases: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

I.—*Preliminary.*

Short title.

1. THIS Ordinance may be cited for all purposes as "*The Village Communities Ordinance,* 1871."

Commencement of Ordinance.

2. THIS Ordinance shall come into effect from the date of the passing thereof.

Interpretation clause.

3. THE following words and expressions in this Ordinance shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction :

THE expression "Government Agent," shall include the Assistant Government Agent of a District, but not the Assistant to the Government Agent for the Province.

"FISCAL" shall include Deputy Fiscals within the Province of the Fiscal.

"NATIVES," shall mean those resident in the country other than persons commonly known as Europeans, or persons commonly known as Burghers.

"CHIEF Headman," shall mean the Ratemahatmaya, Mudaliyar, Manayakar or Vanniya of a Division; and "Chief Headman's Division," shall mean the extent of country under the supervision of such "Chief Headman."

II.—*Divisions and Sub-Divisions.*

Governor may bring any division within this Ordinance.

4. IT shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be by him for that purpose issued, to declare, from time to time, as he may think desirable, that any Chief Headman's division, or part thereof, shall be brought, from a time to be named therein, within the operation of this Ordinance. On such Proclamation being issued, the said division or part thereof shall become liable to the provisions of this Ordinance, and the inhabitants thereof shall be entitled to exercise the powers and privileges hereby conferred upon them.

Sub-division of Chief Headman's division.

5. EVERY Chief Headman's division, or part thereof, so brought within the operation of this Ordinance, shall be sub-divided into villages or convenient groups of villages in such manner as the Governor, with the advice of the Executive Council, shall appoint. It shall be lawful for the Governor, with the like advice, from time to time to alter and amend such sub-division.

III.—*Rules.*

Inhabitants may make Rules.

6. IT shall be lawful for the inhabitants of any sub-division, so brought within the operation of this Ordinance, to make, subject to provisions hereinafter contained, such Rules as they may deem expedient for any of the following purposes:—

(1.) FOR the construction, regulation, and protection of village paths, bridges, édandas, ambalams, madams, spouts, wells, watering and bathing places, fords and ferries, markets, places for slaughter of cattle, sheep or swine, grounds for the burial or burning of the dead, and for the conservancy of forest springs and water-courses.

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(2.) FOR constructing and repairing school-rooms for the education of boys and girls, and for securing their attendance at school.

(3.) FOR regulating fisheries according to local customs.

(4.) FOR taking care of waste and other lands set aside for the purposes of the pasturage of cattle or for any other common purpose.

(5.) FOR breeding, registering, and branding cattle, and for preventing cattle trespass, cattle disease, and cattle stealing.

(6.) FOR the putting up and preservation of land boundaries and fences.

(7.) FOR the prevention and abatement of nuisances.

(8.) FOR the prevention of the use of abusive language.

(9.) FOR preventing accidents connected with toddy-drawing, and the periodical inspection of the ropes and other appliances used for that purpose.

(10.) FOR preventing accidents by the setting of spring guns.

(11.) FOR the prevention of gambling, cock-fighting, and cart-racing on public thoroughfares.

(12.) FOR determining the number of Councillors to be associated with the President in the trial of cases in any sub-division.

(13.) FOR the enforcement of ancient customs as regards cultivation, and for any other purpose connected with or relating to purely village affairs.

Rules, if approved by Government, shall be valid.

7. THE Rules so prepared by the inhabitants of any sub-division shall be forthwith transmitted, through the Government Agent of the Province, to the Governor, for the approval, or disallowance thereof, of the Governor, by and with the advice of the Executive Council, and such of the Rules as shall be approved shall be published in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual as if the same had been inserted herein. The Government Agent shall also take steps to cause the Rules to be proclaimed in the village or group of villages subject to their operation, in such manner as shall secure the greatest publicity thereto, and to serve the residents with copies thereof in the native language free of cost.

Rules may be added to, amended, or repealed.

8. IT shall be lawful for the inhabitants of such sub-division, subject to the provisions herein contained, from time to time, to add to, amend, or repeal the existing Rules, or any of them, or any part of any of them, provided that the said additions, amendments, or repealing provisions, as the case may be, shall be in all respects dealt with and decided upon in the same manner as is herein directed and provided with respect to the original Rules.

Rules to be binding upon all, and judicial notice to be taken thereof.

9. SUCH Rules, when published in the *Gazette*, shall be binding upon and be observed by all parties subject to their operation, and all Courts, Judges, and Magistrates shall take judicial notice thereof.

Fines for the breach of Rules.

10. THE inhabitants of any such sub-division may, by the Rules so to be made, impose such reasonable fines as they think fit, not exceeding Ten Rupees, for each breach of such Rules, and in case of a continued breach, further fines, not exceeding Five Rupees, for each day such breach is continued, after notice to the offender to abstain from such breach.

IV.—*Meetings and Village Committees.*

Public meeting of inhabitants to be called, for the purpose of making Rules.

11. FOR the purpose of making Rules as above prescribed, or whenever such meeting shall be necessary, the Government Agent of the Province may, whenever to him it shall appear advisable, or shall, upon a requisition signed by not less than Ten inhabitants of any village or group forming a sub-division, call a public meeting of the inhabitants of such sub-division. PROVIDED that, in case the extent of any group of villages should render more meetings than one necessary, the Government Agent may hold meetings at such places as he may deem desirable. The Government Agent shall, one month at least before the day of holding any such meeting or meetings, cause notices to be published throughout such sub-division, in such manner as shall appear to him best adapted for giving the greatest publicity thereto, of the day and place appointed for holding such meeting or meetings, and of the object for which the same are to be held; and shall, in such notices, call upon the inhabitants to attend in person, at such meeting or meetings, for the purpose aforesaid. The Government Agent or person presiding shall have power to adjourn any meeting once or oftener, if need be.

Proviso.

Public notice of such meeting.

Power to adjourn.

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Proceedings at such meeting.

Qualification of voter.

12. EVERY meeting so convened shall be held at the time and place appointed in the presence of the Government Agent, or any other person authorized in writing by him, and at every such meeting, every male inhabitant of the village, or group of villages as aforesaid, above the age of twenty-one years, and who shall not have been convicted, within five years before the date of the meeting, of theft, fraud, forgery, perjury, or of any infamous crime whatever, who shall be present thereat, shall be entitled to vote. It shall be the duty of the Government Agent, or of the person presiding, to explain to the persons assembled at the meeting the provisions of this Ordinance, and the purpose for which the meeting was convened. And such Government Agent or person presiding shall enter, or cause to be entered, in the minutes of such meeting, the questions or resolutions proposed thereat, and the number of votes given for and against the same, and shall sign the said minutes, and publicly declare the result of the votes given thereat; and the said minutes shall be deposited and preserved in the Provincial or District Kachchéri, as may be most convenient, and copies thereof shall be transmitted by the Government Agent to the Government.

Inhabitants may elect Village Committee.

Duty of such Committee.

13. IT shall be lawful for the inhabitants of any sub-division, at the first or any subsequent meeting, to elect a Committee of not less than six men, and if they see fit to do so, to delegate to such Committee the power of making Rules conferred on such inhabitants by the 6th Section of this Ordinance. It shall be the duty of such Committee to make Rules, subject to the provisions of this Ordinance (if the power to make Rules be delegated to them as aforesaid), and the same from time to time to amend, alter, and repeal, to enforce the observance of those Rules, and otherwise to exercise such powers as may be conferred on them by such Rules.

Qualification of Committee men.

14. NO person shall be qualified to be elected as a member of Committee who shall not be upwards of twenty-five years of age, or who shall not be possessed of real property, in his own right or in that of his wife, worth more than Two Hundred Rupees, and who shall have been convicted of theft, fraud, forgery, perjury, or of any infamous crime, or who shall have been dismissed from the Public Service for misconduct.

Term of office of Committee men.

15. THE first Committee elected under this Ordinance shall go out of office on the last day of March of the third year from their election, and in place of such Committee so going out of office, a like number of other Committee men, to be elected as hereinafter provided, shall come into office and remain in office for the next ensuing three years; and at the expiration of such period of three years, shall in like manner go out of office, and be succeeded by other Committee men for a like term of three years, and so on during the continuance of this Ordinance. PROVIDED that any of such out-going Committee men shall be re-eligible and may be re-elected, and, in such case, continue to act and remain in office, anything herein contained to the contrary notwithstanding.

Meeting for election of intending Committee men.

16. ON any day to be fixed by the Government Agent within three months of the day on which any such term shall expire, a meeting shall be holden for the election of Committee men for three years next succeeding, reckoned from the First day of April next following the day of such election, and such election shall proceed in such manner, and be subject, so far as the same are applicable, to such conditions as are hereinbefore provided for the election of the Committee.

Vacancies how to be filled up

17. ANY member of a Committee who shall be absent from the village for more than three months at one time, or shall be adjudicated an insolvent, or who shall be convicted of any infamous crime, or shall become incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease, shall, *ipso facto*, vacate his office; and in case any person elected a member of Committee shall die, or become disqualified, or vacate his office in manner aforesaid, or shall resign or refuse to accept the office of a member of Committee, or, in case of any casual vacancy happening in any manner whatever in any such office, the remaining members of Committee shall elect a person to fill up the vacancy, and the person then elected shall serve until the next general election of Committee men.

Objections to voter how disposed of.

18. IF at any meeting any question shall be raised as to the right of any person to vote or to be elected, the Government Agent or person presiding shall then and there make such enquiry as he may deem requisite, and declare whether or not such person has the right of voting, or is eligible to be elected or not; and the decision so made shall be final. And an entry shall be made in the minutes of such meeting of any such question, and of the decision thereon.

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No. 26.—1871.

Majority shall decide.

19. ALL questions or resolutions shall be determined by a majority of votes. In case of equality of votes, the Chairman shall have a casting vote, in addition to his original vote.

V.—*Village Tribunals.*

Establishment of Village tribunals and appointment of Presidents.

20. IT shall be lawful for the Governor, with the advice of the Executive Council, to establish Village tribunals in each village or group in any Chief Headman's division, or part thereof, brought under the operation of this Ordinance, and to appoint from time to time a President for each Chief Headman's division, and to allow, with the like advice, reasonable remuneration to be paid to him out of the general revenue, and any person so appointed at pleasure to remove, and to substitute another in his stead. Every such President shall, before he shall begin to execute the duties of his office, take and subscribe the Oath of Allegiance and Judicial Oath, in form set forth in the Ordinance No. 7 of 1869 or any other Ordinance to be hereafter, for that purpose, enacted. Such President shall have power and jurisdiction, assisted by Councillors as hereinafter prescribed, to try cases hereafter specified. The number of Councillors to be associated with the President in the trial of cases shall be five, unless a different number shall be prescribed by the Rules made for the sub-division. No person shall be qualified to be associated with the President as such Councillor who shall not possess the qualifications prescribed for Committee men by section 14.

Oath.

Power of President.

Village tribunals to exercise jurisdiction in certain matters, Civil and Criminal.

21. THE President, assisted by Councillors, as hereinbefore prescribed, shall sit in open Court at such times and places within each sub-division as the Government Agent shall from time to time prescribe, to try breaches of any Rules made by the inhabitants of the sub-division under the authority of Section 6 (if the inhabitants shall have availed themselves of this privilege), and to exercise Civil and Criminal jurisdiction in the cases hereinafter described, in which both parties are Natives, or in cases in which both the parties thereto, whether Natives or not, shall, by consent in writing, in such form as shall be prescribed by Rules to be made under the 30th Section, expressly refer to be tried and decided by them:—

Civil.

(1.) ALL cases in which the debt, damage, or demand shall not exceed Twenty Rupees, and the party defendant is a resident within the sub-division, or in which the cause of action shall have arisen, wholly or as to any part, within such sub-division; and also all actions in which the title to, interest in, or right to the possession of any land or immoveable property shall be in dispute, provided the value of such land or immoveable property, or of the particular share, right, or interest in dispute in such action, shall not exceed Twenty Rupees, and the same or any part thereof is situate in such sub-division.

(2.) ALL cases whatever involving debt or damage not exceeding One Hundred Rupees, or claim to land or immoveable property in which the land or interest in dispute shall not exceed One Hundred Rupees in value, which the parties thereto shall, by consent in writing, in such form as shall be prescribed by Rules to be made under Section 30, expressly refer to such tribunal, to be tried and decided by them.

Criminal.

(1.) PETTY assaults,—that is to say, assaults which are punishable by law or custom by no higher punishment than fine exceeding Twenty Rupees or imprisonment exceeding Two weeks.

(2.) PETTY thefts,—that is to say, thefts where the property stolen does not exceed the value of Twenty Rupees, or where the theft is not preceded or accompanied by violence to the person, and which are punishable by law or custom by no higher punishment than fine exceeding Twenty Rupees or imprisonment exceeding Two weeks.

(3.) MALICIOUS injury to property or boundaries, where the damage does not exceed Twenty Rupees.

(4.) CATTLE trespass under the Ordinance No. 2 of 1835, where the damage does not exceed Twenty Rupees.

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(5.) MAINTENANCE cases under the third section of the Vagrant Ordinance, No. 4 of 1841, where the paternity is not denied.

PROVIDED however, as follows:—

(1.) THAT the above offences shall have been committed, wholly or in part, within the sub-division.

(2.) THAT it shall be lawful for the President and Councillors before whom any case, civil or criminal, shall be instituted, or by whom it shall be partially tried, to refer the parties to the Court of Requests or Police Court having jurisdiction over the sub-division, if it shall appear to them that the case is one which from its circumstances may more properly be prosecuted before the higher tribunal.

(3.) THAT it shall be lawful for the Queen's Advocate, or for any Deputy Queen's Advocate having jurisdiction over the sub-division, in any criminal case, or for any Government Agent having jurisdiction over the sub-division in any case, civil or criminal, to stop the further hearing of such case before a Village tribunal, and to direct it to be tried by the Police Court or Court of Requests.

(4.) THAT no case, civil or criminal, shall be brought before the Village tribunal in which the Crown is interested as a party, or which is instituted for the protection of the revenue.

Breaches of Irrigation Rules may be tried under this Ordinance.

22. WHENEVER after the enactment of this Ordinance, it shall be necessary in any Irrigation District under "*The Paddy Cultivation Ordinance*, 1867," to convene a Village Council to try breaches of Rules made under the said Paddy Cultivation Ordinance, and a Village tribunal shall have been established under the authority of this Ordinance for the sub-division in which such breach shall have been committed, the Government Agent may refer the case to be tried by such Village tribunal instead of by the Village Councils as prescribed in that enactment. And such tribunals shall have jurisdiction to try such cases and to dispose of them in the manner provided by the said Paddy Cultivation Ordinance.

The choice, &c., of Councillors to be associated with the President at the trial of each case.

23. THE Councillors shall be selected for each case by lot, according to Rules to be made for such purpose under Section 30, and shall be subject to such provisions as to liability to be challenged as shall be prescribed by such Rules. It will be the duty of the President and Councillors, when any case shall be brought before them, to endeavour by all lawful means to bring the litigant parties to an amicable settlement, and to abate, prevent, or remove, with their consent, the real cause of quarrel between them. But if the parties will not agree to such settlement, the Court shall then proceed to hear evidence and to determine the case. The Councillors shall first express their opinion on the points arising for adjudication, and the President shall thereupon express his. PROVIDED that in case of any difference of opinion between the President and the Councillors, or any of them, the opinion of such President shall prevail, and shall be taken as the decision in the case; but in every such case a record shall be made of such difference of opinion.

Proviso in case of difference of opinion between President and Councillors.

Punishments which may be awarded by such tribunals.

24. THE Village tribunal shall have power to punish, by fine not exceeding Twenty Rupees, any person convicted before it of any crime or offence, or of the breach of any Rule, according to the nature of each case.

Jurisdiction to be exclusive.

25. THE jurisdiction, civil and criminal, conferred on the tribunals hereby created, shall, as respects the Natives of the sub-divisions in which they are established, and subject to the Provisos in Section 21, so long as such sub-division remains subject to the operation of this Ordinance, be exclusive, and shall not be exercised by any other tribunal, on any plea or pretext whatsoever. And, in order to prevent the jurisdiction of these tribunals being evaded, it shall be the duty of any Court, civil or criminal, and of any Justice of the Peace, whenever it shall appear to them that any case brought before them is one properly cognizable by the Village tribunal established in any place, (and it shall be competent to a Commissioner of Court of Requests, Police Magistrate, or Justice of the Peace, to examine the parties at any stage of the case, in order to ascertain this,) to stop the further progress of such case, and to refer the parties to the Village tribunals, and to condemn the parties in costs as to such Court shall seem fit.

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No. 26.—1871.

President may issue process for the apprehension of offenders.

26. IT shall be lawful for any President of any division, on receiving information on oath of the commission of any serious crime or offence within his jurisdiction, and triable before the District or Supreme Court, to issue summons or warrant, as he may deem the same necessary, for the apprehension of the offender, wherever he may be found, and to report the same to the nearest Justice of the Peace having jurisdiction over the district, and to cause the offender to be taken before such Justice. Such process may be entrusted for service to any person named therein, and shall have force, and be in every respect treated and dealt with as if it had been issued by a Justice of the Peace, and the person named as the server thereof shall be entitled to serve such process, and shall, for that purpose, have all the powers and protection belonging to duly authorised process servers by law.

Service of Process.

President may administer oaths.

27. IT shall be lawful for any President, for the purposes of the jurisdiction and duties hereby conferred upon him, and he is hereby authorised and required, to administer oath according to law, and if, upon such oath, any person making the same shall wilfully and corruptly give false evidence, every person so offending shall be subject to the pains and penalties of perjury.

Reference of issues by District Courts and Courts of Requests.

28. IT shall be competent to any District Court or Court of Requests in which any case shall be pending from any sub-division in which a Village tribunal shall be established, with the consent of all the parties to the suit, expressed in writing but not otherwise, to refer to the said Village tribunal any issue of disputed boundary or encroachment, or any case in which an inspection of the premises and examination of witnesses at the spot are likely to conduce to the ends of justice, and to require such tribunal to inquire into such issue and case, and report thereon to such District Court or Court of Requests; and such District Court or Court of Requests shall (on receipt of such report, with the evidence upon which it is founded) proceed to determine and decide such case, with or without further evidence, as to it shall seem expedient.

Judgment and sentences of Village tribunals, how enforced.

29. THE judgment pronounced by the Village tribunals in civil cases shall, on application of the parties, be enforced by execution against the property of the party condemned therein, to be made by the Fiscal having jurisdiction over the sub-division. In criminal cases, sentences condemning any person to pay a fine shall be enforced in the same way that Police Courts enforce the payment of fines imposed by them.

Rules of procedure for the Village tribunals.

30. IT shall be lawful for the Governor, with the advice of the Executive Council, from time to time, to make Rules (subject to the provisions of this Ordinance, and not inconsistent therewith) to be observed by the tribunals hereby created, touching and concerning the following matters:—

(1.) THE form and manner of proceeding to be observed in cases before them.

(2.) THE process to be issued by them, and the mode of enforcing the same.

(3.) THE execution of judgments pronounced by them.

(4.) THE form and mode of prosecuting applications for relief.

(5.) THE summoning and empannelling of Councillors, and regulations respecting them.

(6.) THE form and mode of giving jurisdiction under Section 21, Article 2, in cases not ordinarily triable by Village tribunals.

(7.) ALL such general Rules as may be necessary to give effect to the provisions of this Ordinance.

And such Rules from time to time to repeal, alter, or amend, as to him shall seem necessary. Such Rules shall be published in the English and native languages in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual, and shall be binding upon, and be observed by all, and be taken judicial notice of, as if the same had been inserted therein. Subject to these Rules, the proceedings of these tribunals shall be conducted in the native language, and shall be summary, and free from the formalities of judicial proceedings, and it shall be the duty of such tribunals to do substantial justice in all questions coming before them, without regard to matters of form; and no Advocate, Proctor, Agent or other person (excepting husbands for their wives, guardians and curators for minors and wards, and agents doing business in the sub-division for absent principals) shall be permitted to appear on behalf of any party in any case, before such tribunals.

Forms summary.

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31. IF in the course of any trial before the Village tribunal it shall appear that the case under trial is, from its nature or magnitude, beyond the jurisdiction of such tribunal, the President shall forthwith stop the trial, and order that the case be transferred to the proper Court having jurisdiction to try the same.

Where charge is beyond the jurisdiction of the Village tribunal, the President should refer it to the competent Court.

32. IT shall be the duty of the President of any Village tribunal to report weekly all cases tried before such tribunal to the Kachchéri to which the sub-division belongs, and to forward the journals of proceedings taken by him to the Government Agent, to be filed of record in his Kachchéri. The Government Agent shall be empowered to sit with the President and Councillors, and observe their proceedings, and generally, from time to time, to report on such proceedings to the Governor. And it shall be competent for the Government Agent to take action in any case in which any parties thereto may apply to him for relief, and to direct further enquiry thereof, or to order a new trial or further evidence, or to alter, amend, modify, or reverse the decision therein. PROVIDED that nothing herein contained shall be deemed to affect the right of any person feeling aggrieved by the decision of such tribunal, to apply to the Governor by petition, if he should fail to obtain relief in the first instance from the said Government Agent; and it shall be lawful for the Governor, with the advice of the Executive Council, to direct further inquiry, or to order a new trial or further evidence, or to alter, amend, modify, or reverse the decision, if he shall see fit, with the said advice, to do so.

Reports of cases to be made to Government Agents.

VI.—*Miscellaneous.*

33. IT shall be lawful for the Governor, with the advice of the Executive Council, to dismiss any President who shall appear to him to be unworthy of his post, and such President so dismissed shall be disqualified to hold any office or post in the Public Service, except he be expressly rehabilitated by the Governor, with the advice aforesaid.

Governor may dismiss the President.

34. IT shall be lawful for the Governor, with the advice of the Executive Council, to withdraw, for any stated time, from any village, the right to enjoy the benefits of this Ordinance, if it shall appear to the Governor, with the advice aforesaid, that the inhabitants of such village have abused their powers, or are unworthy or incapable of exercising the same justly.

Governor may disfranchise any division.

35. IT shall be competent for the President and Councillors to direct such portion of any fine as it shall deem fit, to be paid to the person injured or aggrieved by the act or omission in respect of which such penalty has been imposed (on condition that such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission), and such other portion thereof as it shall deem fit to the persons, if any, employed to do the work which ought to have been done, or to repair the mischief done by the defendant. All fines paid or recovered under the award of the Village tribunal shall be deposited with the Government Agent, to be by him appropriated in the manner prescribed by the Village tribunal as aforesaid; the balance, if any, shall be applied to the payment of such necessary expenses of carrying this Ordinance into execution, and for such village purposes as the inhabitants of the division or the Committee (where the same shall be established) shall, at any meeting to be convened for that purpose, with the concurrence of the Government Agent, determine.

Village tribunal may direct appropriation of penalties.

Fines to be paid to Agent, to be applied by him as directed.

Any balance to be appropriated by the inhabitants.

36. IT shall be the duty of all Headmen, Police and Peace Officers, and of all members of the Police force, to aid and assist the inhabitants, Committees, and Tribunals in the exercise of the powers and jurisdictions and the performance of the duties imposed upon them by this Ordinance. Any Headman or Officer who shall fail to do so shall be guilty of an offence, and be liable on conviction to a fine not exceeding Fifty Rupees.

Headmen and Police Officers to assist in carrying out this Ordinance.

Passed in Council, the Twenty-seventh day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-eighth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

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No. 27.—1871.

No. 27.—1871.

An Ordinance to provide for the Inland transmission of Post Cards.

Preamble.

WHEREAS it is expedient to provide for the transmission, between places in Ceylon, of unclosed letters commonly known as Post Cards, at a lower rate of postage than that prescribed by Postal Ordinances : IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Commencement.

1. THIS Ordinance shall come into operation on such day as shall be named by the Governor in a Proclamation to be by him for that purpose issued.

Inland Postage on Post Cards.

2. THE Postage on a Post Card, sent by Post between places in Ceylon, shall be Two Cents.

Regulations as to their transmission.

3. IT shall be lawful for the Governor, with the advice of the Executive Council, to make regulations for all or any of the following purposes :—

(*a*.) The dimensions of Post Cards; and the conditions under which they will be treated as such in the Post Office.

(*b*.) The affixing of Stamps thereto;

(*c*.) The prepayment of Postage thereon;

(*d*.) The use of such Post Cards, only, as shall be provided by the Commissioner of Stamps, when that officer shall be in a position to supply stamped Post Cards.

(*e*.) The prevention of the use of Post Card Stamps for any other class of correspondence.

(*f*.) The prevention of sending, or delivery, by post, of Post Cards having thereon any words, marks, or designs of an indecent, obscene, libellous, or grossly offensive character.

THE punishment for sending a Post Card having thereon such words, marks, or designs as aforesaid, shall be the same as that prescribed by Ordinance No. 27 of 1865, Section 30, for sending offensive or dangerous substances through the Post.

The Ordinance to be deemed as one with 27 of 1865 and 10 of 1869.

4. THIS Ordinance shall be construed as one with the Ordinances Nos. 27 of 1865 and 10 of 1869, so far as the provisions of these latter Ordinances shall be applicable to Post Cards.

Passed in Council, the Twenty-seventh day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-eighth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 28.—1871.

No. 28.—1871.

An Ordinance to provide for the Registration of Domestic Servants.

Preamble.

WHEREAS it is expedient to provide for the Registration of Domestic Servants, IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Commencement of Ordinance.

1. THIS Ordinance shall come into operation in such towns or districts of the Island, and from such date or dates, as may from time to time be prescribed by the Governor, by Proclamation published in the *Government Gazette*.

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2. THE following words and expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction. Interpretation clause.

"MASTER" shall include every person having servants in his employ.

"SERVANT" shall mean Domestic Servants, hired by the month or receiving monthly wages, and shall include head and under servants, female servants, cooks, coachmen, horsekeepers, and house and garden coolies.

3. IT shall be lawful for the Governor, from time to time as occasion may require, to appoint for the Island of Ceylon, or for any town or district in which this Ordinance may be brought into operation, a Registrar of Domestic Servants, who shall be under the general supervision and control of the Inspector-General of Police. Governor shall appoint Registrar, who shall be under supervision of the Inspector-General of Police.

Existing Servants.

4. WITHIN one month of this Ordinance coming into operation in any town or district, it shall be the duty of every employer of domestic servants to cause such servants in his employment to be registered in the Register of Servants for such town or district, and for this purpose he shall furnish to the Registrar in writing a list shewing the names, capacity in which employed, and date of engagement of each of his servants. Masters to cause Servants to be registered. To supply lists to Registrar.

5. IT shall be the duty of every servant to attend personally, within three months after the coming into operation of this Ordinance, before the Registrar, and furnish him with information as regards his age, country, previous service, and such other particulars, as the Registrar may require. Servants to attend personally.

6. THE Registrar shall, on such servant so attending, hand to him a Pocket register, in which shall be entered the particulars of his or her present engagement, and such memorandum of previous service or antecedents of the applicant as he or she may desire to have recorded in the Register. PROVIDED that the Registrar shall not make any such antecedent entry without satisfying himself of the credibility of the statements tendered to him for entry. To procure Pocket register.

7. IF any servant returned by any master to the Registrar as provided for in Section 4, shall leave the service of such master within three months of the coming into operation of this Ordinance, and before obtaining his Pocket register, such master shall transmit to the said Registrar a memorandum of date and cause of such servant quitting his employment. Servants quitting employment before Pocket registers supplied.

Intending Servants.

8. IT shall be the duty of the Registrar to receive applications from persons desirous to enter domestic service. He shall satisfy himself that there are reasonable grounds to believe such applicants to be fit and proper persons to enter domestic service; and if so satisfied, shall register them in the General registry, recording what he has been able to learn respecting their antecedents, and the names of any persons who certify to their respectability. And he shall thereupon issue Pocket registers to such applicants, which shall contain the particulars of the record in the General registry. Applicants for domestic service.

9. IF the applicant can produce no sufficient evidence as to his fitness for domestic service, the Registrar may grant provisional registration, to be thereafter converted into confirmed registration, according to the result of subsequent service. Registrar may grant provisional registration.

10. IF the Registrar be satisfied that the applicant is not a fit and proper person, he may withhold registration altogether; but it shall be his duty in such case to submit the same to the Inspector-General of Police for his approval. Registrar may refuse, but must report refusal to Inspector-General of Police.

11. THE Registrar shall not grant registration to any convicted thief or associate of thieves, or to any person known to the Police to be leading a disorderly or disreputable life, or who shall have been convicted of any infamous crime. PROVIDED that the Registrar may grant registration to any person from whom it may have been so withheld, on application of any householder who may be willing to give such person a trial; provided that the Registrar is satisfied of the respectability of such householder, and that the intention to engage such person as a domestic servant is a *bonâ fide* one. Registration to be refused to convicted offenders, &c. Proviso.

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General Regulations.

Master shall not engage unregistered servant.

12. AFTER the coming into operation of this Ordinance, in any town or District, no master resident therein shall engage a servant who shall fail to produce his Pocket register in evidence of his being registered, or whose Pocket register shall not record the termination of his last previous service, if any.

Master to enter engagement in Pocket register.

13. ON engaging a servant, every master shall forthwith enter in the Pocket register, the date, and capacity in which such servant is engaged, and shall cause the servant to attend personally at the Registrar's Office, to have the entry inserted in the General registry.

Master to enter discharge.

14. EVERY master who shall discharge a servant shall thereupon insert in the Pocket register, the date and cause of discharge, and the character of the servant. PROVIDED that if for any reason he be unwilling to give the servant a character, or to state the cause of discharge, he may decline to do so; but in that case, he shall furnish to the Registrar in writing his reasons for so refusing. PROVIDED further that if the master be unable to enter the cessation of the engagement, through failure of servant to produce Pocket register, he shall report the fact to the Registrar.

Proviso.

Servants to attend at Office of Registrar for Pocket register entries to be transferred to General registry.

15. EVERY servant shall, within fifteen days after the date of any entry in his Pocket register, attend personally at the office of the Registrar of Servants, for the purpose of having such entry recorded in the General registry.

Servants to exhibit Pocket registers to Police.

16. IT shall be the duty of every registered servant to produce his Pocket register when called upon to do so by the Police.

Registered servants entering service in places not brought under Ordinance.

17. EVERY servant registered under the provisions of this Ordinance, shall, if he subsequently enter service in any place not under its operation, attend personally at the nearest Police station on his entering or leaving such service, and produce his Pocket register to the Principal Officer of Police at such station: and the said Officer of Police shall record such commencement or termination of service, and communicate the same to the Registrar of Servants for the town or district in which such servant was originally registered.

Masters in places not under Ordinance.

18. IT shall be the duty of any employer of Domestic Servants not resident in any town or district under the operation of this Ordinance, who shall engage or discharge a registered servant, forthwith to enter the engagement or discharge of such servant in the Pocket register, in the manner prescribed in the 13th and 14th Sections of this Ordinance, relating to the engagement or discharge of servants in places brought within the operation of this Ordinance.

Duplicate Pocket registers.

19. IT shall be lawful to the Registrar to issue duplicate Pocket registers to replace the originals, which may have become worn out, or which may have been lost or destroyed.

Penalties.

Penalties.

20. THE following penalties are hereby imposed for any of the following acts:—

As respects Officers of the Registration Department.

Registrar and his establishment for carelessly injuring documents.

(1.) ANY Officer of the Registration Department, carelessly losing or injuring, or allowing to be lost or injured, any Register Book or other document while in his keeping, shall be held to be guilty of an offence, and be liable to a fine not exceeding Two Hundred Rupees.

Registrar and his establishment for corruptly injuring documents.

(2.) ANY Officer of the Registration Department committing any of the following acts shall be held to be guilty of an offence, and be liable to imprisonment, with or without hard labour, for a period not exceeding Three years, or to a fine not exceeding One Thousand Rupees, or to both.

(*a*) WILFULLY destroying or injuring any Register Book, or other document, or wilfully permitting or causing any such book to be destroyed or injured.

(*b*) FALSELY making or counterfeiting, or permitting or causing to be falsely made or counterfeited, any part of a Register Book, or document.

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(c) WILFULLY inserting or permitting, or causing to be inserted in any Register Book, or certified copy thereof, or document, any false entry.

(d) WILFULLY giving a false certified copy of a Register Book, or document, or permitting or causing such false certified copy to be given.

(e) CERTIFYING any writing to be a copy or extract from a Servant's Register Book, knowing the said portion so copied or extracted to be false in any part thereof.

As respects such Officers and others.

Registration Officers who take unauthorized fees, and on persons who offer such.

(3.) ANY Officer of the Registration Department who shall on any pretext or under any circumstance, directly or indirectly collect or receive, and any person who shall offer or pay to such Officer, any fee, gratuity, allowance or recompense, other than he may be duly authorized to collect or receive, shall be held to be guilty of an offence and be liable to a fine not exceeding Two Hundred Rupees.

As respects Masters.

Master not fulfilling any duty or obligation imposed on him by this Ordinance.

(4.) ANY master committing any of the following acts shall be held to be guilty of an offence, and be liable to a fine not exceeding Twenty Rupees.

(a) FAILING to furnish to the Registrar, within one month after this Ordinance shall have come into operation in any town or district, the list specified in Section 4.

(b) FAILING to transmit to the Registrar a memorandum of the date of a servant quitting his employ, as required by Section 7.

(c) ENGAGING a servant, after this Ordinance shall have come into operation, who shall fail to produce his Pocket register, or whose Pocket register shall not record the termination of the last previous service, if any, as provided by Section 12.

(d) FAILING to enter in the Pocket register the date and capacity in which a servant is engaged, as required by Section 13.

(e) FAILING to insert in such Pocket register the date of a servant being discharged, and the cause of such discharge, as required by Section 14.

(f) DECLINING to give his servant a character, and failing to furnish to the Registrar his reasons for so refusing.

(g) ENGAGING or discharging a registered servant in any town or district not under the operation of this Ordinance, without entering such engagement or discharge in the Pocket register, as required by Section 18.

As respects Servants.

Servants not fulfilling any duty or obligation imposed upon them by this Ordinance.

(5.) ANY servant committing any of the following acts shall be held to be guilty of an offence, and be liable to a fine not exceeding Twenty Rupees.

(a) FAILING to attend the Registrar and furnish him with the information required by Section 5.

(b) FAILING to produce his Pocket register when requested to do so.

(c) HAVING been once registered under the provisions of this Ordinance, and yet entering or leaving service thereafter in any place not under the operation of this Ordinance, without having attended at the nearest Police Station and producing his Pocket register, as required by Section 17.

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Servants giving false information.

(6) ANY servant who shall give false information on any matter in which he is required by this Ordinance to give information to the Registrar of Servants, or to any other person, shall be guilty of an offence, and be liable to a fine not exceeding Fifty Rupees, or to imprisonment, with or without hard labour, for any term not exceeding Three months.

As respects others.

Other persons for injuring Registration documents.

(7.) ANY person unconnected with the Registration Department committing any of the following acts shall be held to be guilty of an offence, and be liable to imprisonment, with or without hard labour, for a period not exceeding One year, or a fine not exceeding Five Hundred Rupees, or both.

(*a*) WILFULLY destroying or injuring any Register Book, or document, or causing any such book or document to be destroyed or injured.

(*b*) FALSELY making or counterfeiting, or causing to be falsely made or counterfeited, any part of a Register Book or document.

(*c*) WILFULLY inserting or causing to be inserted in any Register Book, or document, or certified copy thereof, any false entry.

(*d*) WILFULLY giving a false certified copy of a Register Book, or causing such certified copy to be given.

Fees.

Fees.

21. THE following fees shall be levied under this Ordinance; such fees to be paid by masters or servants, or intending servants, in stamps, to be attached to the Pocket register:—

Fee payable by Master on causing an existing servant to be registered ...	Twenty-five Cents.
" " on engaging a new servant ...	" "
" Intending Servant on provisional registration ...	" "
" " " on registration being confirmed ...	" "
" Servant for the registration of previous service or antecedents ...	" "
" " for a duplicate Pocket register...	One Rupee.

Appropriation of fines.

22. IT shall be lawful for the Court awarding a fine, to direct that any sum not exceeding half thereof shall be paid to the informer, and the remainder to a fund which shall be called "The Domestic Servants' Registration Fund;" the said fund to be regulated in manner as the Governor, with the advice of the Executive Council, from time to time, shall direct.

Passed in Council, the Twenty-ninth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-ninth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

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